
HOUSE BILL 1240

State of Washington

69th Legislature

2025 Regular Session

By Representatives Peterson and Donaghy

Prefiled 01/10/25.

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; adding a new section to chapter 46.55
4 RCW; and creating a new section.

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

6 NEW SECTION. **Sec. 1.** (1) Because of rapidly rising rents,
7 insufficient wages, and high costs of living, there is a significant
8 and growing number of people in Washington for whom the loss of their
9 car means the loss of their livelihood. A vehicle is often the only
10 means through which families in poverty can travel for work, medical
11 care, and other necessities of daily life.

12 (2) When high costs of living force people out of their housing,
13 some have no choice but to live in their vehicles. For people in this
14 situation, a vehicle can provide a modicum of safety, privacy,
15 ability to store belongings, and freedom of movement not available to
16 those forced to live on the street.

17 (3) The number of people sheltering in their vehicles in
18 Washington vastly exceeds the number of designated safe parking areas
19 where they can stay without fear of committing a parking infraction.
20 As a result, many people who live in their vehicles face the constant
21 risk of having their only shelter impounded.

1 (4) When people lose their only shelter to impound, the
2 consequences are devastating. They may be forced to sleep on the
3 street or in congregate shelters; they may lose access to belongings
4 like identification, medication, and legal documents; and they may
5 lose their only means to make money to pay the fines and fees imposed
6 on them. If a person is unable to pay impound fines and fees, the
7 person's vehicle can be auctioned off, leaving the person with no
8 shelter permanently.

9 (5) The Washington supreme court affirmed in the case of *City of*
10 *Seattle v. Steven Long* that vehicular homes are protected from forced
11 sale under the homestead act. The supreme court further ruled that
12 courts presiding over impound hearings must determine whether impound
13 fines and fees, as levied against people who cannot pay them, violate
14 the excessive fines clauses of the state and federal Constitutions.
15 Fines found to be constitutionally excessive must be reduced.

16 (6) Current processes for obtaining an impound hearing can be
17 lengthy and are often inaccessible to people attempting to retrieve
18 their vehicle residences from impound. Storage costs increase every
19 day that a vehicle remains in impound, meaning that people who cannot
20 pay the costs face a greater financial obstacle to retrieving their
21 vehicles the longer it takes to resolve their case through the
22 courts.

23 (7) The legislature finds that the statutes as currently
24 constructed are in conflict with the law as clarified by the courts.
25 The legislature further finds that making an expedited court process
26 accessible to people whose vehicle shelters are impounded can prevent
27 them from being forced to live on the street and reduce their burden
28 of debt for fines and fees they cannot pay. An expedited court
29 process will also reduce the amount of time vehicle residences remain
30 in impound, which will minimize the financial burden on the state
31 resulting from the constitutional mandate to reduce fines and impound
32 fees when those costs would deprive a person of the person's
33 livelihood.

34 (8) Therefore, the legislature intends to resolve the existing
35 conflict between statute and case law, and to create an expedited
36 process through which those in deep poverty can more quickly retrieve
37 their only shelter from impound and avoid unconstitutionally
38 excessive fines.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.55

2 RCW to read as follows:

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

6 (2) If a state or its agents or a local government or its agents
7 receives information or observes an indication that a vehicle is a
8 vehicle residence, the state or its agents or local government or its
9 agents must notify the registered tow truck operator when requesting
10 an impound or within 24 hours of receiving such information that the
11 vehicle may be a vehicle residence and may be subject to additional
12 protections.

13 (3) (a) If at any point before public auction, an operator or any
14 of its agents or employees receives information pursuant to
15 subsection (2) of this section, or if any individual tells an
16 operator or any of its agents or employees that the impounded vehicle
17 is a vehicle residence, any public auction procedures under RCW
18 46.55.130 must be stopped. The operator must provide to any
19 individual claiming to live in the vehicle:

20 (i) Written notice of the right of redemption and opportunity for
21 a hearing;

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

23 (iii) The name of the person or agency authorizing the impound;

24 and

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

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

29 (4) A vehicle residence may be considered an abandoned vehicle
30 if:

31 (a) Ninety days have passed since notice from a state or its
32 agents or local government or its agents under subsection (2) of this
33 section;

34 (b) Ninety days have passed since providing or reproviding the
35 notice under subsection (3) of this section; and

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

1 (5) An operator may proceed forward with the public auction
2 procedures under RCW 46.55.130 after expiration of the 90-day period,
3 by providing a mailing of notice of custody and sale to the
4 registered and legal owners, and by providing the notice to any
5 individuals that previously came forward to say they lived in the
6 vehicle. The vehicle may then proceed to auction 15 days after
7 expiration of the notice of custody and sale, pursuant to the general
8 procedures of RCW 46.55.130, or 15 days after a court has ordered the
9 vehicle released.

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

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

24 **Sec. 3.** RCW 46.55.010 and 2023 c 326 s 1 are each reenacted and
25 amended to read as follows:

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

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

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

34 (3) "Immobilize" means the use of a locking wheel boot that, when
35 attached to the wheel of a vehicle, prevents the vehicle from moving
36 without damage to the tire to which the locking wheel boot is
37 attached.

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

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

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

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

10 (a) Is three years old or older;

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

14 (c) Is apparently inoperable;

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

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

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

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

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

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

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

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

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

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

4 Subject to removal after:

- 5 (a) Public locations:
 - 6 (i) Constituting an accident or a traffic hazard as
7 defined in RCW 46.55.113 Immediately
 - 8 (ii) On a highway and tagged as described in RCW
9 46.55.085 24 hours
 - 10 (iii) In a publicly owned or controlled parking
11 facility, properly posted under RCW
12 46.55.070 Immediately
 - 13 (iv) Within the right-of-way used by a regional transit
14 authority for high capacity transportation where
15 the vehicle constitutes an obstruction to the
16 operation of high capacity transportation vehicles
17 or
18 jeopardizes public safety. Immediately
- 19 (b) Private locations:
 - 20 (i) On residential property Immediately
 - 21 (ii) On private, nonresidential property,
22 properly posted under RCW
23 46.55.070 Immediately
 - 24 (iii) On private, nonresidential property,
25 not posted 24 hours

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

31 **Sec. 4.** RCW 46.55.090 and 2019 c 401 s 1 are each amended to
32 read as follows:

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

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

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

30 (4) Tow truck drivers shall have a Washington state driver's
31 license endorsed for the appropriate classification under chapter
32 46.25 RCW or the equivalent issued by another state.

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

37 **Sec. 5.** RCW 46.55.120 and 2017 c 152 s 1 are each amended to
38 read as follows:

1 (1) (a) Vehicles or other items of personal property registered or
2 titled with the department that are impounded by registered tow truck
3 operators pursuant to RCW 46.55.080, 46.55.085, 46.55.113, or
4 9A.88.140 may be redeemed only by the following persons or entities:

5 (i) The legal owner;

6 (ii) The registered owner;

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

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

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

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

23 (vii) A person who has purchased a vehicle or item of personal
24 property registered or titled with the department from the registered
25 owner who produces proof of ownership or written authorization and
26 signs a receipt therefor; (~~(e)~~)

27 (viii) If (a) (i) through (vii) of this subsection do not apply, a
28 person, who is known to the registered or legal owner of a motorcycle
29 or moped, as each are defined in chapter 46.04 RCW, that was towed
30 from the scene of an accident, may redeem the motorcycle or moped as
31 a bailment in accordance with RCW 46.55.125 while the registered or
32 legal owner is admitted as a patient in a hospital due to the
33 accident; or

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

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

1 (B) If ownership of the vehicle or authorization from the legal
2 or registered owner to use, reside in, or retrieve the vehicle is
3 disputed, a court or hearing officer may review any additionally
4 presented information and evidence to determine ownership or
5 authorization to the vehicle. If a person establishes at a hearing or
6 other legal proceeding, by a preponderance of the evidence, that they
7 own the vehicle, have authorization to retrieve or reside in the
8 vehicle, or otherwise meet the criteria in (a)(i) through (viii) of
9 this subsection, the court may order release of the vehicle to the
10 requesting person.

11 (C) A court may also order release and retrieval of any personal
12 property inside a vehicle, if a requesting person establishes
13 ownership to that personal property, by a preponderance of the
14 evidence.

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

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

38 (i) Economic or personal hardship to the family, spouse, or
39 domestic partner of the operator, taking into consideration public

1 safety factors, including the operator's criminal history and driving
2 record; (~~or~~)

3 (ii) The owner of the vehicle was not the driver, the owner did
4 not know that the driver's license was suspended or revoked, and the
5 owner has not received a prior release under this subsection or RCW
6 46.55.113(3); or

7 (iii) The vehicle is a vehicle residence.

8 In order to avoid discriminatory application, other than for the
9 reasons for release set forth in (b) (i) (~~and (ii)~~) through (iii) of
10 this subsection, an agency shall, under a provision of an applicable
11 state agency rule or local ordinance, deny release in all other
12 circumstances without discretion.

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

28 (c) If the vehicle is directed to be held for a suspended license
29 impound, a person who desires to redeem the vehicle at the end of the
30 period of impound shall within five days of the impound at the
31 request of the tow truck operator pay a security deposit to the tow
32 truck operator of not more than one-half of the applicable impound
33 storage rate for each day of the proposed suspended license impound.
34 The tow truck operator shall credit this amount against the final
35 bill for removal, towing, and storage upon redemption. The tow truck
36 operator may accept other sufficient security in lieu of the security
37 deposit. If the person desiring to redeem the vehicle does not pay
38 the security deposit or provide other security acceptable to the tow
39 truck operator, the tow truck operator may process and sell at
40 auction the vehicle as an abandoned vehicle within the normal time

1 limits set out in RCW 46.55.130(1). The security deposit required by
2 this section may be paid and must be accepted at any time up to
3 (~~twenty-four~~) 24 hours before the beginning of the auction to sell
4 the vehicle as abandoned. The registered owner is not eligible to
5 purchase the vehicle at the auction, and the tow truck operator shall
6 sell the vehicle to the highest bidder who is not the registered
7 owner.

8 (d) Notwithstanding (c) of this subsection, a rental car business
9 may immediately redeem a rental vehicle it owns by payment of the
10 costs of removal, towing, and storage, whereupon the vehicle will not
11 be held for a suspended license impound.

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

37 (f) The vehicle or other item of personal property registered or
38 titled with the department shall be released upon the presentation to
39 any person having custody of the vehicle of commercially reasonable
40 tender sufficient to cover the costs of towing, storage, or other

1 services rendered during the course of towing, removing, impounding,
2 or storing any such vehicle, with credit being given for the amount
3 of any security deposit paid under (c) of this subsection. In
4 addition, if a vehicle is impounded because the operator was arrested
5 for a violation of RCW 46.20.342 or 46.20.345 and was being operated
6 by the registered owner when it was impounded under local ordinance
7 or agency rule, it must not be released to any person until the
8 registered owner establishes with the agency that ordered the vehicle
9 impounded or the court having jurisdiction that any penalties, fines,
10 or forfeitures owed by him or her have been satisfied. Registered tow
11 truck operators are not liable for damages if they rely in good faith
12 on an order from the impounding agency or a court in releasing a
13 vehicle held under a suspended license impound. Commercially
14 reasonable tender shall include, without limitation, cash, major bank
15 credit cards issued by financial institutions, or personal checks
16 drawn on Washington state branches of financial institutions if
17 accompanied by two pieces of valid identification, one of which may
18 be required by the operator to have a photograph. If the towing firm
19 cannot determine through the customer's bank or a check verification
20 service that the presented check would be paid by the bank or
21 guaranteed by the service, the towing firm may refuse to accept the
22 check. Any person who stops payment on a personal check or credit
23 card, or does not make restitution within ten days from the date a
24 check becomes insufficient due to lack of funds, to a towing firm
25 that has provided a service pursuant to this section or in any other
26 manner defrauds the towing firm in connection with services rendered
27 pursuant to this section shall be liable for damages in the amount of
28 twice the towing and storage fees, plus costs and reasonable
29 (~~attorney's~~) attorneys' fees.

30 (2) (a) The registered tow truck operator shall give to each and
31 any person who seeks to redeem an impounded vehicle, or item of
32 personal property registered or titled with the department, written
33 notice of the right of redemption and opportunity for a hearing,
34 which notice shall be accompanied by a form to be used for requesting
35 a hearing, the name of the person or agency authorizing the impound,
36 and a copy of the towing and storage invoice. The registered tow
37 truck operator shall maintain a record evidenced by the redeeming
38 person's signature that such notification was provided. The form to
39 request a hearing shall be given to any person who seeks to redeem an
40 impounded vehicle, even if the person does not appear on record as

1 the registered or legal owner. The form to request a hearing must
2 also be made available in all languages spoken by more than 10
3 percent of the population in the county where the operator is
4 registered. The department shall adopt rules prescribing the content
5 and format of the hearing form to ensure that individuals have
6 adequate notice of the hearing procedures and rights outlined in this
7 section.

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

1 individual claims financial hardship due to loss of the vehicle or
2 where the vehicle is a vehicle residence.

3 (c) If an impounded vehicle is still held by the operator and has
4 not been redeemed, courts shall develop procedures to ensure that a
5 hearing is conducted within two business days after the request for a
6 hearing. If extraordinary circumstances delay the hearing beyond two
7 business days and the impounded vehicle is claimed to be used as a
8 vehicle residence, courts shall order the release of the vehicle to
9 the claimed occupant and hearing requester if they qualify to redeem
10 the vehicle under subsection (1)(a)(i) through (viii) of this
11 section, pending final determination at the hearing. Upon receipt of
12 a timely hearing request, the court shall proceed to hear and
13 determine the validity of the impoundment.

14 (d) If an impounded vehicle has already been redeemed by the
15 hearing requester and is not in the operator's possession, courts
16 shall schedule hearings within 30 days of the request for hearing.
17 Upon receipt of a request, the court shall proceed to hear and
18 determine the validity of the impoundment. Upon receipt of a timely
19 hearing request, the court shall proceed to hear and determine the
20 validity of the impoundment.

21 (3) (a) The court, (~~within five days~~) immediately after
22 receiving the request for a hearing, shall notify the registered tow
23 truck operator, the person requesting the hearing if not the owner,
24 the registered and legal owners of the vehicle or other item of
25 personal property registered or titled with the department, and the
26 person or agency authorizing the impound in writing of the hearing
27 date and time.

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

34 (c) At the conclusion of the hearing, the court shall determine
35 whether the impoundment was proper and in accord with applicable law
36 and constitutional standards, whether the towing or storage fees
37 charged were in compliance with the posted rates, and who is
38 responsible for payment of the fees. (~~The court may not adjust fees~~
39 ~~or charges that are in compliance with the posted or contracted~~
40 ~~rates.~~) If the impoundment is found proper, the court shall

1 determine whether those fees are proper in light of the responsible
2 individual's financial circumstances. If the vehicle is still within
3 the operator's possession, the court shall also determine whether the
4 vehicle shall be released to the individual requesting the hearing.

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

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

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

34 (f) If the impounded vehicle is a vehicle residence, regardless
35 of whether the impound was authorized by the state or its agents or a
36 local government or its agents or at the request of a private
37 citizen, the vehicle may not be sold under the public auction
38 procedures under RCW 46.55.130 and may not be retained by the
39 operator for unpaid charges. If the person or persons who requested
40 the hearing provide any information, evidence, or statements to the

1 court that they reside in the vehicle or if they provide any
2 information to the court that the vehicle is a vehicle residence, the
3 court must order release of the vehicle to the person requesting the
4 hearing after determining that any other person was authorized or
5 deemed eligible by the court under this section. A statement on the
6 record in court that someone resided in the vehicle before impound is
7 sufficient information that the vehicle qualifies as a vehicle
8 residence, and any vehicle claimed as a vehicle residence is presumed
9 valid. A state or its agents or a local government or its agents who
10 authorized an impound may contest the fact that a vehicle is not a
11 vehicle residence at an impound hearing, but must provide clear and
12 convincing evidence that the vehicle is not used as a residence. The
13 court may additionally lower imposed towing and storage fees, but the
14 court may not condition release of the vehicle upon any immediate
15 payment of any of those fees. If the person at the hearing does not
16 meet the requirements of a person authorized to redeem the vehicle
17 under this section, the court may reschedule the hearing to allow the
18 requester time to gather additional information to show authorization
19 to redeem the vehicle, such as a written statement from the
20 registered owner, and/or proof of pending title or registration
21 change.

22 (g) If the impoundment is determined to be in violation of this
23 chapter or if the operator did not have a signed and valid
24 impoundment authorization from a private property owner or an
25 authorized agent, then the registered and legal owners of the vehicle
26 or other item of personal property registered or titled with the
27 department shall bear no impoundment, towing, or storage fees, and
28 any security shall be returned or discharged as appropriate, and the
29 person or agency who authorized the impoundment shall be liable for
30 any towing, storage, or other impoundment fees permitted under this
31 chapter. The court shall enter judgment in favor of the registered
32 tow truck operator against the person or agency authorizing the
33 impound for the impoundment, towing, and storage fees paid. In
34 addition, the court shall enter judgment in favor of the registered
35 and legal owners of the vehicle, or other item of personal property
36 registered or titled with the department, for the amount of the
37 filing fee if required (~~by law~~) for the impound hearing petition as
38 well as reasonable damages for loss of the use of the vehicle during
39 the time the same was impounded against the person or agency
40 authorizing the impound. However, if an impoundment arising from an

1 alleged violation of RCW 46.20.342 or 46.20.345 is determined to be
2 in violation of this chapter, then the law enforcement officer
3 directing the impoundment and the government employing the officer
4 are not liable for damages if the officer relied in good faith and
5 without gross negligence on the records of the department in
6 ascertaining that the operator of the vehicle had a suspended or
7 revoked driver's license. If any judgment entered is not paid within
8 ((fifteen)) 15 days of notice in writing of its entry, the court
9 shall award reasonable attorneys' fees and costs against the
10 defendant in any action to enforce the judgment. Notice of entry of
11 judgment may be made by registered or certified mail, and proof of
12 mailing may be made by affidavit of the party mailing the notice.
13 Notice of the entry of the judgment shall read essentially as
14 follows:

15 TO:
16 YOU ARE HEREBY NOTIFIED JUDGMENT was entered against you in
17 the Court located at in the sum of
18 \$., in an action entitled, Case
19 No. YOU ARE FURTHER NOTIFIED that attorneys fees and
20 costs will be awarded against you under RCW . . . if the
21 judgment is not paid within 15 days of the date of this
22 notice.
23 DATED this day of, (year) . . .
24 Signature
25 Typed name and address
26 of party mailing notice

27 (4) ((Any)) An impounded abandoned vehicle or item of personal
28 property registered or titled with the department that is not
29 redeemed within ((fifteen)) 15 days of mailing of the notice of
30 custody and sale as required by RCW 46.55.110(3) shall be sold at
31 public auction in accordance with all the provisions and subject to
32 all the conditions of RCW 46.55.130. If the impounded vehicle is a
33 vehicle residence it is subject to additional procedures under
34 section 2 of this act. A vehicle or item of personal property
35 registered or titled with the department may be redeemed at any time
36 before the start of the auction upon payment of the applicable towing
37 and storage fees.

1 **Sec. 6.** RCW 46.55.130 and 2017 c 152 s 2 are each amended to
2 read as follows:

3 (1) If, after the expiration of (~~(fifteen)~~) 15 days from the date
4 of mailing of notice of custody and sale required in RCW 46.55.110(3)
5 to the registered and legal owners, the vehicle remains unclaimed and
6 has not been listed as a stolen vehicle, a suspended license impound
7 has been directed but no commercially reasonable tender has been paid
8 under RCW 46.55.120, (~~(or)~~) a person eligible to redeem under RCW
9 46.55.120(1)(a)(viii) has not come forth providing information that
10 the registered or legal owner of a motorcycle or moped is an admitted
11 patient in a hospital, or no individual or agency has come forth
12 providing any information to the operator that the vehicle is a
13 vehicle residence pursuant to section 2 of this act, the registered
14 tow truck operator having custody of the vehicle shall conduct a sale
15 of the vehicle at public auction after having first published a
16 notice of the date, place, and time of the auction, and a method to
17 contact the tow truck operator conducting the auction such as a
18 telephone number, email address, or website, in a newspaper of
19 general circulation in the county in which the vehicle is located not
20 less than three days and no more than (~~(ten)~~) 10 days before the date
21 of the auction. For the purposes of this section, a newspaper of
22 general circulation may be a commercial, widely circulated, free,
23 classified advertisement circular not affiliated with the registered
24 tow truck operator and the notice may be listed in a classification
25 delineating "auctions" or similar language designed to attract
26 potential bidders to the auction. The notice shall contain a
27 notification that a public viewing period will be available before
28 the auction and the length of the viewing period. The auction shall
29 be held during daylight hours of a normal business day. The viewing
30 period must be one hour if (~~(twenty-five)~~) 25 or fewer vehicles are
31 to be auctioned, two hours if more than (~~(twenty-five)~~) 25 and fewer
32 than (~~(fifty)~~) 50 vehicles are to be auctioned, and three hours if
33 (~~(fifty)~~) 50 or more vehicles are to be auctioned. If the registered
34 tow truck operator is notified that the registered or legal owner of
35 the moped or motorcycle is an admitted patient in the hospital as
36 evidenced by a declaration on a form authorized by the department,
37 the registered tow truck operator may delay the auction of the moped
38 or motorcycle for a reasonable time in a good faith effort to provide
39 additional time for the redemption of the vehicle.

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

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

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

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

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

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

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

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

22 (g) The registered tow truck operator shall post a copy of the
23 auction procedure at the bidding site. If the bidding site is
24 different from the licensed office location, the operator shall post
25 a clearly visible sign at the office location that describes in
26 detail where the auction will be held. At the bidding site a copy of
27 the newspaper advertisement that lists the vehicles for sale shall be
28 posted;

29 (h) All surplus moneys derived from the auction after
30 satisfaction of the registered tow truck operator's lien shall be
31 remitted within (~~thirty~~) 30 days to the department for deposit in
32 the state motor vehicle fund. A report identifying the vehicles
33 resulting in any surplus shall accompany the remitted funds. If the
34 director subsequently receives a valid claim from the registered
35 vehicle owner of record as determined by the department within one
36 year from the date of the auction, the surplus moneys shall be
37 remitted to such owner;

38 (i) If an operator receives no bid, or if the operator is the
39 successful bidder at auction, the operator shall, within (~~forty-~~
40 ~~five~~) 45 days, sell the vehicle to a licensed vehicle wrecker, hulk

1 hauler, or scrap processor by use of the abandoned vehicle report-
2 affidavit of sale, or the operator shall apply for title to the
3 vehicle.

4 ~~((+3))~~ (4) A tow truck operator may refuse to accept a bid at an
5 abandoned vehicle auction under this section for any reason in the
6 operator's posted operating procedures and for any of the following
7 reasons: (a) The bidder is currently indebted to the operator; (b)
8 the operator has knowledge that the bidder has previously abandoned
9 vehicles purchased at auction; or (c) the bidder has purchased, at
10 auction, more than four vehicles in the last calendar year without
11 obtaining title to any or all of the vehicles. In no case may an
12 operator hold a vehicle for longer than ~~((ninety))~~ 90 days without
13 holding an auction on the vehicle, except for vehicles that are under
14 a police or judicial hold or vehicle residences.

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

23 (b) The failure of the registered tow truck operator to comply
24 with the time limits provided in this chapter limits the accumulation
25 of storage charges to five days except where delay is unavoidable.
26 Providing incorrect or incomplete identifying information to the
27 department in the abandoned vehicle report shall be considered a
28 failure to comply with these time limits if correct information is
29 available. However, storage charges begin to accrue again on the date
30 the correct and complete information is provided to the department by
31 the registered tow truck operator.

32 **Sec. 7.** RCW 46.55.140 and 2010 c 161 s 1121 are each amended to
33 read as follows:

34 (1) A registered tow truck operator who has a valid and signed
35 impoundment authorization has a lien upon the impounded vehicle for
36 services provided in the towing and storage of the vehicle, unless
37 the impoundment is determined to have been invalid or is discharged
38 or adjusted by the court under RCW 46.55.130. The lien does not apply
39 to personal property in or upon the vehicle that is not permanently

1 attached to or is not an integral part of the vehicle except for
2 items of personal property registered or titled with the department.
3 The registered tow truck operator also has a deficiency claim against
4 the registered owner of the vehicle for services provided in the
5 towing and storage of the vehicle not to exceed the sum of (~~five~~
6 ~~hundred dollars~~) \$500 after deduction of the amount bid at auction,
7 and for vehicles of over ten thousand pounds gross vehicle weight,
8 the operator has a deficiency claim of (~~one thousand dollars~~)
9 \$1,000 after deduction of the amount bid at auction, unless the
10 impound is determined to be invalid or is discharged or adjusted by
11 the court under RCW 46.55.130. The limitation on towing and storage
12 deficiency claims does not apply to an impound directed by a law
13 enforcement officer. In no case may the cost of the auction or a
14 buyer's fee be added to the amount charged for the vehicle at the
15 auction, the vehicle's lien, or the overage due. A registered owner
16 who has completed and filed with the department the report of sale as
17 provided for in RCW 46.12.650 and has timely and properly filed the
18 report of sale is relieved of liability under this section. The
19 person named as the new owner of the vehicle on the timely and
20 properly filed report of sale shall assume liability under this
21 section.

22 (2) Any person who tows, removes, or otherwise disturbs any
23 vehicle parked, stalled, or otherwise left on privately owned or
24 controlled property, and any person owning or controlling the private
25 property, or either of them, are liable to the owner or operator of a
26 vehicle, or each of them, for consequential and incidental damages
27 arising from any interference with the ownership or use of the
28 vehicle which does not comply with the requirements of this chapter.

29 **Sec. 8.** RCW 46.55.230 and 2021 c 65 s 52 are each amended to
30 read as follows:

31 (1)(a) Notwithstanding any other provision of law, any law
32 enforcement officer having jurisdiction, or any employee or officer
33 of a jurisdictional health department acting pursuant to RCW
34 70A.205.195, or any person authorized by the director shall inspect
35 and may authorize the disposal of an abandoned junk vehicle if that
36 abandoned junk vehicle is not a vehicle residence. The person making
37 the inspection shall record the make and vehicle identification
38 number or license number of the vehicle if available, and shall also

1 verify that the approximate value of the junk vehicle is equivalent
2 only to the approximate value of the parts.

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

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

10 (3) Upon receiving information on the vehicle's registered and
11 legal owner, the landowner shall mail a notice to the registered and
12 legal owners shown on the records of the department. The notification
13 shall describe the redemption procedure and the right to arrange for
14 the removal of the vehicle. This notification shall also be posted
15 directly on the vehicle.

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

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

26 ~~(6))~~ It is a gross misdemeanor for a person to abandon a junk
27 vehicle on property. If a junk vehicle is abandoned, the vehicle's
28 registered owner shall also pay a cleanup restitution payment equal
29 to twice the costs incurred in the removal of the junk vehicle. The
30 court shall distribute one-half of the restitution payment to the
31 landowner of the property upon which the junk vehicle is located, and
32 one-half of the restitution payment to the law enforcement agency or
33 jurisdictional health department investigating the incident.

34 ~~((7))~~ (6) For the purposes of this section, the term
35 "landowner" includes a legal owner of private property, a person with
36 possession or control of private property, or a public official
37 having jurisdiction over public property.

38 ~~((8))~~ (7) A person complying in good faith with the
39 requirements of this section is immune from any liability arising out
40 of an action taken or omission made in the compliance.

1 **Sec. 9.** RCW 46.53.010 and 2018 c 287 s 5 are each amended to
2 read as follows:

3 (1) A registered tow truck operator, as defined in RCW 46.55.010,
4 vehicle wrecker, as defined in RCW 46.80.010, or scrap processor, as
5 defined in RCW 46.79.010, and scrap metal businesses, as defined in
6 RCW 19.290.010, may apply to the department on a form prescribed by
7 the department for cost reimbursement for the towing, transport,
8 storage, dismantling, and disposal of abandoned recreational vehicles
9 from public property.

10 (2) The department may only use funds under RCW 46.68.175 for
11 cost reimbursement for the towing, transport, storage, dismantling,
12 and disposal of abandoned recreational vehicles. The department may
13 not authorize reimbursements that total more than (~~ten thousand~~
14 ~~dollars~~) \$10,000 per vehicle for which cost reimbursements are
15 requested.

16 (3) After consulting with the 2017 stakeholder group, the
17 department may develop rules including, but not limited to, towing,
18 transport, storage, dismantling, and disposal rates, application form
19 and contents, and cost reimbursement and the reimbursement process,
20 to implement this section.

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

24 (5) For the purposes of this section, an "abandoned recreational
25 vehicle" means a camper, motor home, or travel trailer not claimed as
26 a vehicle residence under section 2 of this act that has been
27 impounded from public property, abandoned pursuant to chapter 46.55
28 RCW, and received no bids at auction, or declared an abandoned junk
29 vehicle by a law enforcement officer, pursuant to chapter 46.55 RCW,
30 while on public property.

--- END ---