
ENGROSSED HOUSE BILL 1443

State of Washington

64th Legislature

2015 Regular Session

By Representatives G. Hunt, S. Hunt, Condotta, Shea, Taylor, Scott, Riccelli, and Jinkins

Read first time 01/21/15. Referred to Committee on Business & Financial Services.

1 AN ACT Relating to limiting fees charged by commercial parking
2 businesses and requiring notice to customers; and adding a new
3 chapter to Title 19 RCW.

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

5 NEW SECTION. **Sec. 1.** The definitions in this section apply
6 throughout this chapter unless the context clearly requires
7 otherwise.

8 (1) "Commercial parking business" means the entity that owns,
9 leases, operates, or manages a commercial parking lot.

10 (2) "Commercial parking lot" means a covered or uncovered area
11 with or without stalls for the purpose of parking motor vehicles for
12 a fee, excluding on-street parking.

13 (3) "Event parking" means parking for which fees are charged
14 outside of the rates normally charged for hourly or other periodic
15 parking, or of the rates specified in any sign that may be posted on
16 the commercial parking lot under section 2(1) of this act.

17 (4) "Late fee" means a fee or charge assessed on the customer for
18 failure to pay a parking charge when it was due.

19 (5) "Parking charge" means a monetary fee charged to a parking
20 customer for parking in a commercial parking lot, and includes fees
21 charged for monthly parking, fees charged for reserved parking, fees

1 charged for parking for a given amount of time, fees charged for
2 event parking, and fees charged for unauthorized parking.

3 (6) "Parking customer" means a person who parks a vehicle in a
4 commercial parking lot, and the registered owner of the vehicle; and
5 also means a person or entity that enters into an agreement, written
6 or otherwise, with a commercial parking business for parking
7 services.

8 (7) "Unauthorized parking" means parking a vehicle:

9 (a) In a commercial parking lot in an area not designated for
10 parking;

11 (b) In a reserved stall or area without permission of the
12 commercial parking business;

13 (c) In a stall or area without paying the posted parking charge
14 in advance when it is required or without paying a sufficient parking
15 charge for the length of time the vehicle is parked;

16 (d) In more than one stall simultaneously without paying the
17 appropriate parking charge for each stall;

18 (e) In a stall or area during event parking without paying the
19 event parking rate; or

20 (f) In a stall or area without paying the parking charge provided
21 in, or otherwise without complying with, the terms of an agreement
22 between the parking customer and the commercial parking business.

23 (8) "Unauthorized vehicle" means a vehicle parked in a manner
24 constituting unauthorized parking.

25 NEW SECTION. **Sec. 2.** (1) Except as provided in subsections (2)
26 and (3) of this section, a commercial parking business may not charge
27 a parking charge unless a sign is posted at the entrance to the
28 parking lot that clearly indicates in letters and numbers at least
29 two inches in height:

30 (a) The times and circumstances in which a parking charge will be
31 charged;

32 (b) The amount of the parking charge, a schedule of hourly or
33 daily rates, or a schedule of parking charges for different
34 circumstances or durations;

35 (c) The circumstances under which a late fee will be assessed,
36 the amount of the late fee, and the schedule on which late fees will
37 be increased;

38 (d) The methods of payment accepted; and

1 (e) The name, telephone number, and address of the commercial
2 parking business.

3 (2) A commercial parking business need not comply with subsection
4 (1) of this section to charge a parking charge with respect to a
5 specific parking customer when the commercial parking business has an
6 agreement, written or otherwise, with the parking customer for
7 parking services.

8 (3) A commercial parking business need not comply with subsection
9 (1) of this section to charge a parking charge for event parking if
10 the parking charge for the event is clearly disclosed to the parking
11 customer upon entry to the commercial parking lot by an on-site
12 attendant or by conspicuous signage posted at the entrance to the
13 commercial parking lot.

14 NEW SECTION. **Sec. 3.** (1)(a) If the customer fails to pay the
15 reasonable parking charge within thirty days of the date the charge
16 was incurred and after notice as provided in section 2 of this act,
17 then the customer is also liable to the commercial parking business
18 for a late fee not to exceed fifty percent of the original parking
19 charge.

20 (b) If the customer fails to pay the reasonable parking charge
21 within sixty days and after notice as provided in section 2 of this
22 act, then the customer is also liable to the commercial parking
23 business for a late fee not to exceed one hundred percent of the
24 original parking charge.

25 (c) In the event of court action on the parking charges, the
26 court shall award statutory costs and reasonable attorneys' fees.

27 (2)(a) The customer is not liable for any late fee unless the
28 commercial parking business posted notice as provided in section 2 of
29 this act and delivered written notice of the late fee to the customer
30 within fifteen days of the date the late fee was incurred.

31 (b) Notice of an incurred late fee must include the amount of the
32 late fee, the date the parking charge was incurred, the date the late
33 fee will be increased if payment is not received and the amount of
34 the increase, the license number of the unauthorized vehicle, and the
35 name and address of the commercial parking business.

36 (c) The commercial parking business must deliver notice of a late
37 fee either by first-class mail, postage prepaid, or by delivery to
38 the registered owner of the vehicle through any commercially
39 reasonable means.

1 (3) Nothing in this section prohibits a commercial parking
2 business or its agent from allowing more than thirty days for a
3 parking customer to pay a reasonable parking charge prior to
4 assessing a late fee or a collection agency fee. Nothing in this
5 section prohibits a commercial parking business or its agent from
6 discounting any parking charges for payment within a specified time
7 frame, or from notifying a parking customer that any parking charges
8 will be discounted if paid within such time frame.

9 NEW SECTION. **Sec. 4.** (1) A parking customer who engages in
10 unauthorized parking is liable to the commercial parking business for
11 a reasonable parking charge if notice of the amount of the parking
12 charge is provided to such customer under section 5 of this act.

13 (2) The following is presumed reasonable parking charges for
14 unauthorized parking:

15 (a) The posted parking charge that would be charged for the
16 actual time the vehicle remains parked at the commercial parking lot;
17 or

18 (b) A fee not to exceed one hundred fifty percent of the posted
19 parking charge provided for in (a) of this subsection.

20 NEW SECTION. **Sec. 5.** If a reasonable parking charge for
21 unauthorized parking is to be charged in an amount other than the
22 posted parking charge that would be charged for the actual time the
23 vehicle remains parked, then the amount of the reasonable parking
24 charge must be stated in letters and numbers at least two inches in
25 height in a sign or signs that are conspicuously posted at the
26 entrance to the commercial parking lot. In addition, written notice
27 of the amount of the parking charge, however calculated, and the date
28 or dates of the unauthorized parking, the license number of the
29 unauthorized vehicle, and the name and address of the commercial
30 parking business must be provided by any of the following means:

31 (1) By affixing the notice to the windshield of the vehicle, or
32 otherwise conspicuously affixing it to the vehicle, while the vehicle
33 is still parked at the commercial parking lot;

34 (2) By mailing the notice via first-class mail, postage prepaid,
35 to the registered owner of the vehicle within the later of fifteen
36 days after the effective date of this section or fifteen days after
37 the date the unauthorized parking occurred; or

1 (3) By delivering the notice to the registered owner of the
2 vehicle through any commercially reasonable means within the later of
3 fifteen days after the effective date of this section or fifteen days
4 after the date the unauthorized parking occurred.

5 NEW SECTION. **Sec. 6.** The registered owner of an unauthorized
6 vehicle in a commercial parking lot is presumed to be liable for
7 parking charges. It is an affirmative defense of the registered
8 owner, provable by clear and convincing evidence, that the person who
9 parked the vehicle at the commercial parking lot was not authorized,
10 either actually or impliedly, by the registered owner to use or drive
11 the vehicle. Any notice provided under this chapter to the registered
12 owner of an unauthorized vehicle is conclusively presumed to have
13 been provided to every parking customer responsible for the parking
14 charges associated with the unauthorized vehicle.

15 NEW SECTION. **Sec. 7.** (1) Nothing in this chapter precludes the
16 right to commence action in a court under chapter 12.40 RCW for small
17 claims.

18 (2) This chapter applies to all parking charges owing on or after
19 the effective date of this section.

20 NEW SECTION. **Sec. 8.** Sections 1 through 7 of this act
21 constitute a new chapter in Title 19 RCW.

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