
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: H-2677.1/91

ATTY/TYPIST: GR:cls

BRIEF TITLE:

2 **SB 5049** - H COMM AMD
3 By Committee on Transportation

4
5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 46.55.010 and 1989 c 111 s 1 are each amended to read
8 as follows:

9 The definitions set forth in this section apply throughout this
10 chapter:

11 (1) "Abandoned vehicle" means a vehicle that a registered tow truck
12 operator has impounded and held in the operator's possession for
13 ninety-six consecutive hours.

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

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

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

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

26 (4) "Junk vehicle" means a vehicle certified under RCW 46.55.230 as
27 meeting all the following requirements:

28 (a) Is three years old or older;

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

4 (c) Is apparently inoperable;

5 (d) Is without a valid, current registration plate;

6 (e) Has ((a)) an approximate fair market value equal only to the
7 approximate value of the scrap in it.

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

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

14 (7) "Residential property" means property that has no more than
15 four living units located on it.

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

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

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

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

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

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- (a) Public locations:
 - (i) Constituting an accident or a traffic hazard as defined in RCW 46.55.113 Immediately
 - (ii) On a highway and tagged as described in RCW 46.55.085 24 hours
 - (iii) In a publicly owned or controlled parking facility, properly posted under RCW 46.55.070 Immediately
- (b) Private locations:
 - (i) On residential property Immediately
 - (ii) On private, nonresidential property, properly posted under RCW 46.55.070 Immediately
 - (iii) On private, nonresidential property, not posted 24 hours"

"Sec. 2. RCW 46.55.230 and 1987 c 311 s 19 are each amended to read as follows:

(1) Notwithstanding any other provision of law, any law enforcement officer having jurisdiction or any person authorized by the director ~~((may)) shall inspect and ((certify that a vehicle meets the requirements of a))~~ may authorize the disposal of an abandoned junk vehicle. The person making the ~~((certification))~~ inspection shall record the make and vehicle identification number or license number of the vehicle if available, and shall also ~~((describe in detail the damage or missing equipment to))~~ verify that the approximate value of the junk vehicle is equivalent only to the approximate value of the scrap in it.

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

4 (3) Upon receiving information on the vehicle's registered and
5 legal owner, the landowner shall ~~((obtain a junk vehicle notification
6 form from the department. The landowner shall send by certified mail,
7 notification))~~ mail a notice to the registered and legal owners shown
8 on the records of the department. The notification shall describe the
9 redemption procedure and the right to ~~((contest the sale of a junk
10 vehicle in a district court hearing))~~ arrange for the removal of the
11 vehicle.

12 (4) If the vehicle remains unclaimed more than fifteen days after
13 the landowner has mailed notification to the registered and legal
14 owner, the landowner may dispose of the vehicle or sign an affidavit of
15 sale to be used as a title document.

16 (5) If no information on the vehicle's registered and legal owner
17 is found in the records of the department, the landowner ~~((shall place
18 a legal notice of custody and sale in a newspaper of general
19 circulation in the county. The newspaper notice shall include (a) the
20 description of the vehicle; (b) the address of the location of the junk
21 vehicle; (c) the date by which the registered or legal owner must
22 redeem the vehicle; and (d) a telephone number where the landowner can
23 be reached. If the vehicle remains unclaimed more than twenty days
24 after publication of the notice, the landowner))~~ may immediately
25 dispose of the vehicle or sign an affidavit of sale to be used as a
26 title document.

27 (6) The landowner of the property upon which the junk vehicle is
28 located is entitled to recover from the vehicle's registered owner any
29 costs incurred in the removal of the junk vehicle.

1 (7) For the purposes of this section, the term "landowner" includes
2 a legal owner of private property, a person with possession or control
3 of private property, or a public official having jurisdiction over
4 public property.

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

8 "Sec. 3. RCW 46.55.240 and 1989 c 111 s 17 are each amended to
9 read as follows:

10 (1) A city, town, or county that adopts an ordinance or resolution
11 concerning unauthorized, abandoned, or impounded vehicles shall include
12 the applicable provisions of this chapter.

13 (a) A city, town, or county may, by ordinance, authorize other
14 impound situations that may arise locally upon the public right-of-way
15 or other publicly owned or controlled property.

16 (b) A city, town, or county ordinance shall contain language that
17 establishes a written form of authorization to impound, which may
18 include a law enforcement notice of infraction or citation, clearly
19 denoting the agency's authorization to impound.

20 (c) A city, town, or county may, by ordinance, provide for release
21 of an impounded vehicle by means of a promissory note in lieu of
22 immediate payment, if at the time of redemption the legal or registered
23 owner requests a hearing on the validity of the impoundment. If the
24 municipal ordinance directs the release of an impounded vehicle before
25 the payment of the impoundment charges, the municipality is responsible
26 for the payment of those charges to the registered tow truck operator
27 within thirty days of the hearing date.

28 (d) The hearing specified in RCW 46.55.120(2) and in this section
29 may be conducted by an administrative hearings officer instead of in

1 the district court. A decision made by an administrative hearing
2 officer may be appealed to the district court for final judgment.

3 (2) A city, town, or county may adopt an ordinance establishing
4 procedures for the abatement and removal as public nuisances of
5 ((unauthorized)) junk vehicles or parts thereof from private property.
6 Costs of removal may be assessed against the registered owner of the
7 vehicle if the identity of the owner can be determined, unless the
8 owner in the transfer of ownership of the vehicle has complied with RCW
9 46.12.101, or the costs may be assessed against the owner of the
10 property on which the vehicle is stored.

11 (3) Ordinances pertaining to public nuisances shall contain:

12 (a) A provision requiring notice to the last registered owner of
13 record and the property owner of record that a hearing may be requested
14 and that if no hearing is requested, the vehicle will be removed;

15 (b) A provision requiring that if a request for a hearing is
16 received, a notice giving the time, location, and date of the hearing
17 on the question of abatement and removal of the vehicle or part thereof
18 as a public nuisance shall be mailed, by certified mail, with a five-
19 day return receipt requested, to the owner of the land as shown on the
20 last equalized assessment roll and to the last registered and legal
21 owner of record unless the vehicle is in such condition that
22 identification numbers are not available to determine ownership;

23 (c) A provision that the ordinance shall not apply to (i) a vehicle
24 or part thereof that is completely enclosed within a building in a
25 lawful manner where it is not visible from the street or other public
26 or private property or (ii) a vehicle or part thereof that is stored or
27 parked in a lawful manner on private property in connection with the
28 business of a licensed dismantler or licensed vehicle dealer and is
29 fenced according to RCW 46.80.130;

1 (d) A provision that the owner of the land on which the vehicle is
2 located may appear in person at the hearing or present a written
3 statement in time for consideration at the hearing, and deny
4 responsibility for the presence of the vehicle on the land, with his
5 reasons for the denial. If it is determined at the hearing that the
6 vehicle was placed on the land without the consent of the landowner and
7 that he has not subsequently acquiesced in its presence, then the local
8 agency shall not assess costs of administration or removal of the
9 vehicle against the property upon which the vehicle is located or
10 otherwise attempt to collect the cost from the owner;

11 (e) A provision that after notice has been given of the intent of
12 the city, town, or county to dispose of the vehicle and after a
13 hearing, if requested, has been held, the vehicle or part thereof shall
14 be removed at the request of a law enforcement officer with notice to
15 the Washington state patrol and the department of licensing that the
16 vehicle has been wrecked. The city, town, or county may operate such
17 a disposal site when its governing body determines that commercial
18 channels of disposition are not available or are inadequate, and it may
19 make final disposition of such vehicles or parts, or may transfer such
20 vehicle or parts to another governmental body provided such disposal
21 shall be only as scrap.

22 (4) A registered disposer under contract to a city or county for
23 the impounding of vehicles shall comply with any administrative
24 regulations adopted by the city or county on the handling and disposing
25 of vehicles."

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4 In line 1 of the title, after "vehicles;" strike the remainder of
5 the title and insert "amending RCW 46.55.010, 46.55.230, and
6 46.55.240."