
HOUSE BILL 2815

State of Washington

52nd Legislature

1992 Regular Session

By Representatives Franklin, Edmondson, Inslee, Lisk, Rayburn, Winsley, Nelson, Ogden, Leonard, Mitchell, Brough and Rasmussen

Read first time 01/28/92. Referred to Committee on Housing.

1 AN ACT Relating to drayage and storage costs; adding a new section
2 to chapter 59.18 RCW; and adding a new section to chapter 63.29 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 59.18 RCW
5 to read as follows:

6 (1) A landlord may, upon the execution of a writ of restitution by
7 the sheriff, enter and take possession of any property of the tenant
8 found on the premises and store the property in any reasonably secure
9 place. If, however, the tenant or the tenant's representative objects
10 to the storage of the property, the property shall be deposited upon
11 the nearest public property and may not be moved and stored by the
12 landlord. If the tenant is not present at the time the writ of
13 restitution is executed, it shall be presumed that the tenant does not
14 object to the storage of the property as provided in this section.

1 This section does not apply to any premises that are abandoned by a
2 tenant.

3 (2) Property moved and stored under this section shall be returned
4 to the tenant after the tenant has paid the actual or reasonable
5 drayage and storage costs, whichever is less, or until it is sold or
6 disposed of by the landlord in accordance with subsection (3) of this
7 section.

8 (3) Prior to the sale or disposal of property stored pursuant to
9 this section with a cumulative value of over fifty dollars, the
10 landlord shall notify the tenant of the pending sale or disposal.
11 After forty-five days from the date the notice of the sale or disposal
12 is mailed or personally delivered to the tenant, the landlord may sell
13 or dispose of the property, including personal papers, family pictures,
14 and keepsakes.

15 If the property that is being stored has a cumulative value of
16 fifty dollars or less, then the landlord may sell or dispose of the
17 property in the manner provided in this section, except for personal
18 papers, family pictures, and keepsakes. Prior to the sale or disposal
19 of property stored pursuant to this section with a cumulative value of
20 fifty dollars or less, the landlord shall notify the tenant of the
21 pending sale or disposal. The notice shall either be mailed or
22 personally delivered to the tenant. After seven days from the date the
23 notice is mailed or delivered to the tenant, the landlord may sell or
24 dispose of the property.

25 The landlord may apply any income derived from the sale of the
26 tenant's property against moneys due the landlord for drayage and
27 storage of the property. The amount of sale proceeds that the landlord
28 may apply towards such costs may not exceed the actual or reasonable
29 costs for drayage and storage of the property, whichever is less. Any
30 excess income derived from the sale of such property shall be held by

1 the landlord for the benefit of the tenant for a period of one year
2 from the date of the sale. If no claim is made or action commenced by
3 the tenant for the recovery of the excess income prior to the
4 expiration of that period of time, then the balance shall be treated as
5 abandoned property and deposited by the landlord with the department of
6 revenue pursuant to chapter 63.29 RCW.

7 (4) Nothing in this section shall be construed as creating a right
8 of distress for rent.

9 NEW SECTION. **Sec. 2.** A new section is added to chapter 63.29 RCW
10 to read as follows:

11 Intangible property held by a landlord as a result of a sheriff's
12 sale pursuant to section 1 of this act that remains unclaimed for a
13 period of one year from the date of the sale is presumed abandoned.