
SUBSTITUTE SENATE BILL 5251

State of Washington

52nd Legislature

1991 Regular Session

By Senate Committee on Transportation (originally sponsored by Senators Nelson, Vognild, Thorsness, Madsen, Patterson, Hansen, Oke, Saling, von Reichbauer, Barr, Snyder, Erwin, Bluechel and Murray).

Read first time February 12, 1991.

1 AN ACT Relating to motor vehicle wreckers; amending RCW 46.80.030,
2 46.80.040, 46.80.050, 46.80.080, 46.80.090, 46.80.100, 46.80.110,
3 46.80.130, 46.80.140, 46.80.150, and 46.80.170; adding new sections to
4 chapter 46.80 RCW; and prescribing penalties.

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

6 **Sec. 1.** RCW 46.80.030 and 1990 c 250 s 72 are each amended to read
7 as follows:

8 Application for a motor vehicle wrecker's license or renewal of a
9 vehicle wrecker's license shall be made on a form for this purpose,
10 furnished by the department of licensing, and shall be signed by the
11 motor vehicle wrecker or his authorized agent and shall include the
12 following information:

13 (1) Name and address of the person, firm, partnership, association
14 or corporation under which name the business is to be conducted;

1 (2) Names and residence address of all persons having an interest
2 in the business or, if the owner is a corporation, the names and
3 addresses of the officers thereof;

4 (3) Certificate of approval of (~~the chief of police of any city or~~
5 ~~town having a population of over five thousand persons and in all other~~
6 ~~instances~~)) a member of the Washington state patrol certifying that:

7 (a) The applicant has an established place of business at the
8 address shown on the application, and;

9 (b) In the case of a renewal of a vehicle wrecker's license, the
10 applicant is in compliance with this chapter and the provisions of
11 Title 46 RCW, relating to registration and certificates of title:
12 PROVIDED, That the above certifications in any instance can be made by
13 an authorized representative of the department of licensing;

14 (4) Any other information that the department may require.

15 **Sec. 2.** RCW 46.80.040 and 1971 ex.s. c 7 s 3 are each amended to
16 read as follows:

17 Such application, together with a fee of (~~twenty five dollars, and~~
18 ~~a surety bond as hereinafter provided~~)) one hundred dollars and a
19 surety bond as provided in RCW 46.80.070, shall be forwarded to the
20 department. Upon receipt of the application the department shall, if
21 the application be in order, issue a motor vehicle wrecker's license
22 authorizing him to do business as such and forward the fee, together
23 with an itemized and detailed report, to the state treasurer, to be
24 deposited in the motor vehicle fund. Upon receiving the certificate
25 the owner shall cause it to be prominently displayed in his place of
26 business, where it may be inspected by an investigating officer at any
27 time.

1 **Sec. 3.** RCW 46.80.050 and 1985 c 109 s 7 are each amended to read
2 as follows:

3 A license issued on this application shall remain in force until
4 suspended or revoked and may be renewed annually (~~upon reapplication~~
5 ~~according to RCW 46.80.030~~) before its expiration by filing with the
6 department an application containing the information the department may
7 require and (~~upon payment of~~) paying a fee of (~~ten~~) one hundred
8 dollars. Any motor vehicle wrecker who fails or neglects to renew
9 (~~his~~) the license before the assigned expiration date shall be
10 required to pay the fee for an original motor vehicle wrecker license
11 as provided in this chapter.

12 Whenever a motor vehicle wrecker ceases to do business as such or
13 (~~his~~) the license has been suspended or revoked, he or she shall
14 immediately surrender such license to the department.

15 **Sec. 4.** RCW 46.80.080 and 1977 ex.s. c 253 s 6 are each amended to
16 read as follows:

17 (1) Every motor vehicle wrecker shall maintain books or files in
18 which he or she shall keep a record and a description of:

19 (a) Every vehicle wrecked, dismantled, disassembled, or
20 substantially altered by him or her; and

21 (b) Every major component part acquired by him or her; together
22 with a bill of sale signed by a seller whose identity has been verified
23 and the name and address of the person, firm, or corporation from whom
24 he or she purchased the vehicle or part(~~:- PROVIDED, That~~). Major
25 component parts shall be further identified by the vehicle
26 identification number of the vehicle from which the part came.

27 (2) (~~Such~~) The record shall also contain the following data
28 regarding the wrecked or acquired vehicle or vehicle which is the
29 source of a major component part:

1 (a) The certificate of title number (if previously titled in this
2 or any other state);

3 (b) Name of state where last registered;

4 (c) Number of the last license number plate issued;

5 (d) Name of vehicle;

6 (e) Motor or identification number and serial number of the
7 vehicle;

8 (f) Date purchased;

9 (g) Disposition of the motor and chassis;

10 (h) Yard number assigned by the licensee to the vehicle or major
11 component part which shall also appear on the identified vehicle or
12 part; and

13 (i) ~~((Such))~~ Other information as the department may require.

14 (3) ~~((Such))~~ These records shall also contain a bill of sale signed
15 by the seller for other minor component parts acquired by the licensee,
16 identifying the seller by name, address, and date of sale.

17 (4) ~~((Such))~~ These records shall be maintained by the licensee at
18 ~~((his))~~ the established place of business for a period of three years
19 from the date of acquisition.

20 (5) ~~((Such))~~ These records shall be subject to inspection at all
21 times during regular business hours by members of the police
22 department, sheriff's office, members of the Washington state patrol,
23 or officers or employees of the department. For inspection purposes,
24 business hours are between 10:00 a.m. and 4:00 p.m. on weekdays,
25 excluding legal holidays. When not open for business during this
26 period, business operators shall post their hours in a plainly visible
27 location at the established place of business.

28 (6) A motor vehicle wrecker shall also maintain a similar record of
29 all disabled vehicles that have been towed or transported to the motor
30 vehicle wrecker's place of business or to other places designated by

1 the owner of the vehicle or his or her representative. This record
2 shall specify the name and description of the vehicle, name of owner,
3 number of license plate, condition of the vehicle and place to which it
4 was towed or transported.

5 **Sec. 5.** RCW 46.80.090 and 1979 c 158 s 194 are each amended to
6 read as follows:

7 Within thirty days after a vehicle has been acquired by the motor
8 vehicle wrecker it shall be the duty of such motor vehicle wrecker to
9 furnish a written report to the department on forms ~~((furnished))~~
10 prescribed by the department. This report shall be in such form as the
11 department shall prescribe and shall be accompanied by the certificate
12 of title, if the vehicle has been last registered in a state which
13 issues a certificate, or a record of registration if registered in a
14 state which does not issue a certificate of title, or other ownership
15 documents as provided by rule. No motor vehicle wrecker ~~((shall~~
16 ~~acquire))~~ may dismantle a vehicle without first obtaining such record
17 or title. ~~((It shall be the duty of))~~ The motor vehicle wrecker
18 ~~((to))~~ shall furnish a monthly report of all vehicles wrecked,
19 dismantled, disassembled, or substantially changed in form by ~~((him))~~
20 the wrecker. This report shall be made on forms prescribed by the
21 department and contain such information as the department may require.
22 This statement shall be signed by the motor vehicle wrecker or his or
23 her authorized representative ~~((and the facts therein sworn to before~~
24 ~~a notary public, or before an officer or employee of the department of~~
25 ~~licensing designated by the director to administer oaths or acknowledge~~
26 ~~signatures, pursuant to RCW 46.01.180))~~.

27 **Sec. 6.** RCW 46.80.100 and 1977 ex.s. c 253 s 8 are each amended to
28 read as follows:

1 If, after issuing a motor vehicle wrecker's license, the bond is
2 canceled by the surety in a method provided by law, the department
3 shall immediately notify the principal covered by ~~((such))~~ the bond by
4 registered mail and afford ~~((him))~~ the principal the opportunity of
5 obtaining another bond before the termination of the original ~~((and~~
6 ~~should-such))~~. If the principal fails, neglects, or refuses to obtain
7 ~~((such))~~ a replacement bond or to maintain the required penalty value
8 of the bond, the ~~((director may cancel or suspend the))~~ motor vehicle
9 wrecker's license ~~((which has been issued to him under the provisions~~
10 ~~of this chapter))~~ will be automatically canceled.

11 **Sec. 7.** RCW 46.80.110 and 1989 c 337 s 17 are each amended to read
12 as follows:

13 The director or a designee may, pursuant to the provisions of
14 chapter 34.05 RCW, by order deny, suspend, or revoke the license of any
15 motor vehicle wrecker, or assess a civil fine of up to five hundred
16 dollars for each violation, if the director finds that the applicant or
17 licensee has:

18 (1) ~~((Acquired))~~ Dismantled or sold a vehicle or major component
19 part other than by first obtaining title or other documentation as
20 provided by this chapter;

21 (2) Willfully misrepresented the physical condition of any motor or
22 integral part of a motor vehicle;

23 (3) Sold, had in his possession, or disposed of a motor vehicle or
24 trailer or any part thereof when he knows that such vehicle or part has
25 been stolen, or appropriated without the consent of the owner;

26 (4) Sold, bought, received, concealed, had in his possession, or
27 disposed of a motor vehicle or trailer or part thereof having a
28 missing, defaced, altered, or covered manufacturer's identification
29 number, unless approved by a law enforcement officer;

1 (5) Committed forgery or misstated a material fact on any title,
2 registration, or other document covering a vehicle that has been
3 reassembled from parts obtained from the disassembling of other
4 vehicles;

5 (6) Committed any dishonest act or omission which the director has
6 reason to believe has caused loss or serious inconvenience as a result
7 of a sale of a motor vehicle, trailer, or part thereof;

8 (7) Failed to comply with any of the provisions of this chapter or
9 with any of the rules adopted under it, or with any of the provisions
10 of Title 46 RCW relating to registration and certificates of title of
11 vehicles;

12 (8) Procured a license fraudulently or dishonestly or that such
13 license was erroneously issued;

14 (9) Been convicted of a crime that directly relates to the business
15 of a vehicle wrecker and the time elapsed since conviction is less than
16 ten years, or suffered any judgment within the preceding five years in
17 any civil action involving fraud, misrepresentation, or conversion.
18 For the purposes of this section, conviction means in addition to a
19 final conviction in either a federal, state, or municipal court, an
20 unvacated forfeiture of bail or collateral deposited to secure a
21 defendant's appearance in court, the payment of a fine, a plea of
22 guilty, or a finding of guilt regardless of whether the sentence is
23 deferred or the penalty is suspended.

24 **Sec. 8.** RCW 46.80.130 and 1971 ex.s. c 7 s 9 are each amended to
25 read as follows:

26 It (~~shall be~~) is unlawful for any motor vehicle wrecker to keep
27 any motor vehicle or any integral part thereof in any place other than
28 the established place of business, designated in the certificate issued
29 by the department, without permission of the department. All premises

1 containing such motor vehicles or parts thereof shall be enclosed by a
2 wall or fence of such height as to obscure the nature of the business
3 carried on therein. To the extent reasonably necessary or permitted by
4 the topography of the land, the department shall have the right to
5 establish specifications or standards for ~~((said))~~ the fence or wall~~((÷~~
6 ~~PROVIDED, HOWEVER, That such))~~. The wall or fence shall be painted or
7 stained a neutral shade which shall blend in with the surrounding
8 premises, and ~~((that such))~~ the wall or fence must be kept in good
9 repair. A living hedge existing on the effective date of this act, of
10 sufficient density to prevent a view of the confined area may be
11 substituted for ~~((such a))~~ the wall or fence. Any dead or dying
12 portion of ~~((such))~~ the hedge shall be replaced.

13 This section does not mean that parts cannot be displayed outside
14 the fence or buildings during normal business hours if this is not in
15 conflict with applicable county or city regulations. Entire cars may
16 be displayed outside the fenced area, for sale complete, if parts are
17 not being sold from these vehicles and there are no loose parts around
18 the vehicles. A limit of five cars per location may be displayed at
19 any one time.

20 **Sec. 9.** RCW 46.80.140 and 1967 c 32 s 104 are each amended to read
21 as follows:

22 The director ~~((is hereby authorized to promulgate))~~ and the chief
23 of the Washington state patrol may jointly adopt reasonable rules ~~((and~~
24 regulations)) not in conflict with provisions ~~((hereof))~~ of this
25 chapter for the proper operation and enforcement of this chapter.

26 **Sec. 10.** RCW 46.80.150 and 1983 c 142 s 9 are each amended to read
27 as follows:

1 (~~It shall be the duty of the chiefs of police, or the Washington~~
2 ~~state patrol, in cities having a population of over five thousand~~
3 ~~persons, and in all other cases~~) The Washington state patrol(~~(, to)~~)
4 shall make periodic inspection of (~~the~~) a motor vehicle wrecker's
5 licensed premises and records provided for in this chapter during
6 normal business hours, and furnish a certificate of inspection to the
7 department in such manner as may be determined by the department(~~(:~~
8 ~~PROVIDED, That the above~~)). The inspection in any instance (~~can~~) may
9 also be made by an authorized representative of the department.

10 **Sec. 11.** RCW 46.80.170 and 1977 ex.s. c 253 s 11 are each amended
11 to read as follows:

12 (~~It shall be a gross misdemeanor for any person to violate any of~~
13 ~~the provisions~~) A violation of this chapter or the rules (~~and~~
14 ~~regulations promulgated as provided under this chapter~~) adopted under
15 it is a traffic infraction. A second or subsequent violation of this
16 chapter or rules adopted under it by the same person, at the same
17 location, and within two years of the previous violation is a gross
18 misdemeanor, and any person so convicted shall be punished by
19 imprisonment for not less than thirty days or more than one year in
20 jail or by a fine of one thousand dollars.

21 NEW SECTION. **Sec. 12.** A new section is added to chapter 46.80 RCW
22 to read as follows:

23 Whenever it appears to the director that a person has engaged in or
24 is about to engage in an act or practice constituting a violation of
25 this chapter or a rule adopted under it, the director may issue an
26 order directing the person to cease and desist from continuing the act
27 or practice. The director shall give reasonable notice of and
28 opportunity for a hearing. The director may issue a temporary order

1 pending a hearing. The temporary order remains in effect until ten
2 days after the hearing is held and becomes final if the person to whom
3 the notice is addressed does not request a hearing within fifteen days
4 after the receipt of the notice.

5 NEW SECTION. **Sec. 13.** A new section is added to chapter 46.80 RCW
6 to read as follows:

7 If a person whose license has previously been canceled for cause by
8 the department files an application for a license to conduct business
9 as a motor vehicle wrecker, or if the department is of the opinion that
10 the application is not filed in good faith or that the application is
11 filed by some person as a subterfuge for the real person in interest
12 whose license has previously been canceled for cause, the department
13 may refuse to issue the person a license to conduct business as a
14 vehicle wrecker.