

SENATE BILL 5251

State of Washington

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By Senators Nelson, Vognild, Thorsness, Madsen, Patterson, Hansen, Oke, Saling, von Reichbauer, Barr, Snyder, Erwin, Bluechel and Murray.

Read first time January 24, 1991. Referred to Committee on Transportation.

1 AN ACT Relating to motor vehicle wreckers; amending RCW 46.80.030,
2 46.80.040, 46.80.050, 46.80.060, 46.80.080, 46.80.090, 46.80.100,
3 46.80.110, 46.80.130, 46.80.140, 46.80.150, and 46.80.170; adding new
4 sections to 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 46.80.060 and 1961 c 12 s 46.80.060 are each amended
16 to read as follows:

17 The motor vehicle wrecker shall obtain a special set of license
18 plates in addition to the regular licenses and plates required for the
19 operation of such vehicles which shall be displayed on vehicles owned
20 and/or operated by him and used in the conduct of his business. The
21 fee for these plates shall be twenty-five dollars for the original
22 plates and (~~(two)) twenty-five dollars for each additional set of~~
23 plates bearing the same license number.

24 **Sec. 5.** RCW 46.80.080 and 1977 ex.s. c 253 s 6 are each amended to
25 read as follows:

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

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

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

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

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

14 (b) Name of state where last registered;

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

16 (d) Name of vehicle;

17 (e) Motor or identification number and serial number of the
18 vehicle;

19 (f) Date purchased;

20 (g) Disposition of the motor and chassis;

21 (h) Yard number assigned by the licensee to the vehicle or major
22 component part which shall also appear on the identified vehicle or
23 part; and

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

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

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

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

9 (6) A motor vehicle wrecker shall also maintain a similar record of
10 all disabled vehicles that have been towed or transported to the motor
11 vehicle wrecker's place of business or to other places designated by
12 the owner of the vehicle or his or her representative. This record
13 shall specify the name and description of the vehicle, name of owner,
14 number of license plate, condition of the vehicle and place to which it
15 was towed or transported.

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

18 Within thirty days after a vehicle has been acquired by the motor
19 vehicle wrecker it shall be the duty of such motor vehicle wrecker to
20 furnish a written report to the department on forms (~~furnished~~)
21 prescribed by the department. This report shall be in such form as the
22 department shall prescribe and shall be accompanied by the certificate
23 of title, if the vehicle has been last registered in a state which
24 issues a certificate, or a record of registration if registered in a
25 state which does not issue a certificate of title, or other ownership
26 documents as provided by rule. No motor vehicle wrecker (~~shall~~
27 ~~acquire~~) may dismantle a vehicle without first obtaining such record
28 or title. (~~It shall be the duty of~~) The motor vehicle wrecker
29 (~~to~~) shall furnish a monthly report of all vehicles wrecked,

1 dismantled, disassembled, or substantially changed in form by ((him))
2 the wrecker. This report shall be made on forms prescribed by the
3 department and contain such information as the department may require.
4 This statement shall be signed by the motor vehicle wrecker or his or
5 her authorized representative ((and the facts therein sworn to before
6 a notary public, or before an officer or employee of the department of
7 licensing designated by the director to administer oaths or acknowledge
8 signatures, pursuant to RCW 46.01.180)).

9 **Sec. 7.** RCW 46.80.100 and 1977 ex.s. c 253 s 8 are each amended to
10 read as follows:

11 If, after issuing a motor vehicle wrecker's license, the bond is
12 canceled by the surety in a method provided by law, the department
13 shall immediately notify the principal covered by ((such)) the bond by
14 registered mail and afford ((him)) the principal the opportunity of
15 obtaining another bond before the termination of the original ((and
16 should such)). If the principal fails, neglects, or refuses to obtain
17 ((such)) a replacement bond or to maintain the required penalty value
18 of the bond, the ((director may cancel or suspend the)) motor vehicle
19 wrecker's license ((which has been issued to him under the provisions
20 of this chapter)) will be automatically canceled.

21 **Sec. 8.** RCW 46.80.110 and 1989 c 337 s 17 are each amended to read
22 as follows:

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

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

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

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

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

13 (5) Committed forgery or misstated a material fact on any title,
14 registration, or other document covering a vehicle that has been
15 reassembled from parts obtained from the disassembling of other
16 vehicles;

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

20 (7) Failed to comply with any of the provisions of this chapter or
21 with any of the rules adopted under it, or with any of the provisions
22 of Title 46 RCW relating to registration and certificates of title of
23 vehicles;

24 (8) Procured a license fraudulently or dishonestly or that such
25 license was erroneously issued;

26 (9) Been convicted of a crime that directly relates to the business
27 of a vehicle wrecker and the time elapsed since conviction is less than
28 ten years, or suffered any judgment within the preceding five years in
29 any civil action involving fraud, misrepresentation, or conversion.
30 For the purposes of this section, conviction means in addition to a

1 final conviction in either a federal, state, or municipal court, an
2 unvacated forfeiture of bail or collateral deposited to secure a
3 defendant's appearance in court, the payment of a fine, a plea of
4 guilty, or a finding of guilt regardless of whether the sentence is
5 deferred or the penalty is suspended.

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

8 It (~~shall be~~) is unlawful for any motor vehicle wrecker to keep
9 any motor vehicle or any integral part thereof in any place other than
10 the established place of business, designated in the certificate issued
11 by the department, without permission of the department. All premises
12 containing such motor vehicles or parts thereof shall be enclosed by a
13 wall or fence of such height as to obscure the nature of the business
14 carried on therein. To the extent reasonably necessary or permitted by
15 the topography of the land, the department shall have the right to
16 establish specifications or standards for (~~said~~) the fence or wall(~~+~~
17 ~~PROVIDED, HOWEVER, That such~~). The wall or fence shall be painted or
18 stained a neutral shade which shall blend in with the surrounding
19 premises, and (~~that such~~) the wall or fence must be kept in good
20 repair. A living hedge existing on the effective date of this act, of
21 sufficient density to prevent a view of the confined area may be
22 substituted for (~~such a~~) the wall or fence. Any dead or dying
23 portion of (~~such~~) the hedge shall be replaced.

24 This section does not mean that parts cannot be displayed outside
25 the fence or buildings during normal business hours if this is not in
26 conflict with applicable county or city regulations. Entire cars may
27 be displayed outside the fenced area, for sale complete, if parts are
28 not being sold from these vehicles and there are no loose parts around

1 the vehicles. A limit of five cars per location may be displayed at
2 any one time.

3 **Sec. 10.** RCW 46.80.140 and 1967 c 32 s 104 are each amended to
4 read as follows:

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

9 **Sec. 11.** RCW 46.80.150 and 1983 c 142 s 9 are each amended to read
10 as follows:

11 (~~((It shall be the duty of the chiefs of police, or the Washington~~
12 ~~state patrol, in cities having a population of over five thousand~~
13 ~~persons, and in all other cases))~~) The Washington state patrol((, to))
14 shall make periodic inspection of (~~((the))~~) a motor vehicle wrecker's
15 licensed premises and records provided for in this chapter during
16 normal business hours, and furnish a certificate of inspection to the
17 department in such manner as may be determined by the department((+
18 PROVIDED, That the above)). The inspection in any instance ((can)) may
19 also be made by an authorized representative of the department.

20 **Sec. 12.** RCW 46.80.170 and 1977 ex.s. c 253 s 11 are each amended
21 to read as follows:

22 (~~((It shall be a gross misdemeanor for any person to violate any of~~
23 ~~the provisions))~~) A violation of this chapter or the rules (~~((and~~
24 ~~regulations promulgated as provided under this chapter))~~) adopted under
25 it is a traffic infraction. A second or subsequent violation of this
26 chapter or rules adopted under it by the same person, at the same
27 location, and within three years of the previous violation is a gross

1 misdemeanor, and any person so convicted shall be punished by
2 imprisonment for not less than thirty days or more than one year in
3 jail or by a fine of one thousand dollars.

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

6 Whenever it appears to the director that a person has engaged in or
7 is about to engage in an act or practice constituting a violation of
8 this chapter or a rule adopted under it, the director may issue an
9 order directing the person to cease and desist from continuing the act
10 or practice. The director shall give reasonable notice of and
11 opportunity for a hearing. The director may issue a temporary order
12 pending a hearing. The temporary order remains in effect until ten
13 days after the hearing is held and becomes final if the person to whom
14 the notice is addressed does not request a hearing within fifteen days
15 after the receipt of the notice.

16 NEW SECTION. Sec. 14. A new section is added to chapter 46.80 RCW
17 to read as follows:

18 If a person whose license has previously been canceled for cause by
19 the department files an application for a license to conduct business
20 as a motor vehicle wrecker, or if the department is of the opinion that
21 the application is not filed in good faith or that the application is
22 filed by some person as a subterfuge for the real person in interest
23 whose license has previously been canceled for cause, the department
24 may refuse to issue the person a license to conduct business as a
25 vehicle wrecker.