

SENATE BILL REPORT

SB 5342

As of February 4, 1997

Title: An act relating to procedures after vehicle impoundment.

Brief Description: Clarifying vehicle impound and redemption procedures.

Sponsors: Senators Sellar and Prentice.

Brief History:

Committee Activity: Transportation: 2/4/97.

SENATE COMMITTEE ON TRANSPORTATION

Staff: Jerry Long (786-7306)

Background: Under current law, the vehicle impound process and the rights of the parties involved are outlined.

If an unauthorized vehicle is found abandoned and removed at the direction of law enforcement, the last registered owner is guilty of a traffic infraction. Abandonment of a vehicle creates the presumption that the last registered owner of the vehicle is responsible for the vehicle unless there has been a seller's report of sale or transfer filed with the Department of Licensing (DOL) or a vehicle theft report filed with a law enforcement agency.

In the case of an abandoned vehicle or personal property registered or titled with the DOL, the tow truck operator within 24 hours after receiving information on the owners from DOL is required to send by certified mail, with return receipt requested, a notice of custody and sale to the legal and registered owners.

An authorized person seeking to redeem an impounded vehicle has a right to a hearing in the district court in the jurisdiction in which the vehicle was impounded to contest the validity of the impoundment or the amount of towing and storage charges. A request for a hearing must be made in writing and must be received by the district court within ten days in which the person was notified of the opportunity to request a hearing. If the impoundment is determined to be invalid, the registered and legal owners will not have to pay impound, towing, or storage fees. In addition, the registered and legal owners of the vehicle will be eligible for reasonable damages for the loss of the use of the vehicle during impoundment against the person or agency authorizing the impound. The amount will not be less than \$50 per day.

If, after the expiration of 15 days from the date of notice of custody and sale from the registered tow truck operator to the registered and legal owners, the vehicle is not claimed and is not listed as stolen, the tow truck operator is required to publish a notice and conduct a sale of the vehicle at public auction. If the operator does not receive a bid, or if the tow

truck operator is the successful bidder at auction, the tow truck operator must sell the vehicle within 30 days for scrap or the tow truck operator can apply for title to the vehicle.

Summary of Bill: Filing a report of sale or transfer regarding the vehicle relieves the last registered owner of criminal liability. The registered owner remains responsible for the costs incurred in removing, storing, and disposing of the abandoned vehicle, less the amounts realized at auction.

If the date on which a notice is required to be mailed by a tow truck operator falls on a Saturday, Sunday, or postal holiday, the tow truck operator can mail the notice on the next day.

If a hearing is requested, at the time of filing at a district court, the petitioner must pay the court clerk a filing fee that is equal to the fee for small claims. If a court finds that the impoundment was not valid, the court enters judgment in favor of the registered or legal owners for the amount of the filing fee, plus reasonable damages for the loss of the use of the vehicle against the person or agency authorizing the impound.

The maximum time for a tow truck operator to sell a vehicle where a bid at auction was not received is changed from 30 days to 45 days.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.