
HOUSE BILL 1653

State of Washington

55th Legislature

1997 Regular Session

By Representatives Zellinsky and Quall

Read first time 02/04/97. Referred to Committee on Transportation Policy & Budget.

1 AN ACT Relating to surplus moneys from abandoned vehicle auctions;
2 and amending RCW 46.55.130.

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

4 **Sec. 1.** RCW 46.55.130 and 1989 c 111 s 12 are each amended to read
5 as follows:

6 (1) If, after the expiration of fifteen days from the date of
7 mailing of notice of custody and sale required in RCW 46.55.110(2) to
8 the registered and legal owners, the vehicle remains unclaimed and has
9 not been listed as a stolen vehicle, then the registered tow truck
10 operator having custody of the vehicle shall conduct a sale of the
11 vehicle at public auction after having first published a notice of the
12 date, place, and time of the auction in a newspaper of general
13 circulation in the county in which the vehicle is located not less than
14 three days and no more than ten days before the date of the auction.
15 The notice shall contain a description of the vehicle including the
16 make, model, year, and license number and a notification that a three-
17 hour public viewing period will be available before the auction. The
18 auction shall be held during daylight hours of a normal business day.

1 (2) The following procedures are required in any public auction of
2 such abandoned vehicles:

3 (a) The auction shall be held in such a manner that all persons
4 present are given an equal time and opportunity to bid;

5 (b) All bidders must be present at the time of auction unless they
6 have submitted to the registered tow truck operator, who may or may not
7 choose to use the preauction bid method, a written bid on a specific
8 vehicle. Written bids may be submitted up to five days before the
9 auction and shall clearly state which vehicle is being bid upon, the
10 amount of the bid, and who is submitting the bid;

11 (c) The open bid process, including all written bids, shall be used
12 so that everyone knows the dollar value that must be exceeded;

13 (d) The highest two bids received shall be recorded in written form
14 and shall include the name, address, and telephone number of each such
15 bidder;

16 (e) In case the high bidder defaults, the next bidder has the right
17 to purchase the vehicle for the amount of his or her bid;

18 (f) The successful bidder shall apply for title within fifteen
19 days;

20 (g) The registered tow truck operator shall post a copy of the
21 auction procedure at the bidding site. If the bidding site is
22 different from the licensed office location, the operator shall post a
23 clearly visible sign at the office location that describes in detail
24 where the auction will be held. At the bidding site a copy of the
25 newspaper advertisement that lists the vehicles for sale shall be
26 posted;

27 (h) The tow truck operator shall retain in a trust account all
28 surplus moneys derived from the auction after satisfaction of the
29 registered tow truck operator's lien ((shall be remitted within thirty
30 days to the department for deposit in the state motor vehicle fund)).

31 Within thirty days of the auction the tow truck operator shall send to
32 the department a report identifying the vehicles resulting in any
33 surplus ((shall accompany the remitted funds)). If the director
34 subsequently receives a valid claim from the registered vehicle owner
35 of record as determined by the department within one year from the date
36 of the auction, the department shall notify the tow truck operator
37 holding the claimed surplus moneys in trust that the surplus moneys
38 shall be remitted to such owner. Surplus moneys held in trust by a tow
39 truck operator for more than one year from the date of the auction must

1 be paid to the tow truck operator in order to offset those instances in
2 which the proceeds from the auction are insufficient to cover the costs
3 of removing, storing, and disposing of other abandoned vehicles;

4 (i) If an operator receives no bid, or if the operator is the
5 successful bidder at auction, the operator shall, within thirty days
6 sell the vehicle to a licensed vehicle wrecker, hulk hauler, or scrap
7 processor by use of the abandoned vehicle report-affidavit of sale, or
8 the operator shall apply for title to the vehicle.

9 (3) In no case may an operator hold a vehicle for longer than
10 ninety days without holding an auction on the vehicle, except for
11 vehicles that are under a police or judicial hold.

12 (4)(a) In no case may the accumulation of storage charges exceed
13 fifteen days from the date of receipt of the information by the
14 operator from the department as provided by RCW 46.55.110(2).

15 (b) The failure of the registered tow truck operator to comply with
16 the time limits provided in this chapter limits the accumulation of
17 storage charges to five days except where delay is unavoidable.
18 Providing incorrect or incomplete identifying information to the
19 department in the abandoned vehicle report shall be considered a
20 failure to comply with these time limits if correct information is
21 available.

--- END ---