

FINAL BILL REPORT

ESB 5649

PARTIAL VETO

C 398 L 99

Synopsis as Enacted

Brief Description: Regulating security for long-term impounds.

Sponsors: Senators Haugen, Sellar and Goings.

Senate Committee on Transportation

House Committee on Transportation

Background: A vehicle operated by a person with a suspended driver's license is subject to impoundment by a law enforcement officer. If a vehicle is impounded because the operator was driving with a suspended license, the vehicle may be held for up to 30, 60, or 90 days at the written direction of the agency ordering the impound.

When a tow truck operator impounds an abandoned vehicle, the operator must immediately send an abandoned vehicle report to the Department of Licensing. The abandoned vehicle report does not have to be sent when the impoundment is pursuant to a police hold. In the case of a police hold, an abandoned vehicle report does not have to be sent until the police hold is no longer in effect.

When a tow truck operator impounds an unauthorized vehicle, the operator is responsible for notifying the legal and registered owners of the impoundment. Only the legal or registered owner may redeem the vehicle. If the operator of the vehicle was arrested for driving with a suspended license, the vehicle may not be redeemed until the registered or legal owner pays all towing, removal, and storage fees.

When a vehicle has not been redeemed within 15 days from the date the tow truck operator provided notice of custody, the tow truck operator must publish a notice and conduct a sale of the vehicle at public auction.

Summary: Suspended-license impound– is defined as an impound for up to 30, 60, or 90 days ordered because the operator of the vehicle was driving with a suspended license.

The tow truck operator may send an abandoned vehicle report prior to the end of the police hold.

If a suspended-license impound is ordered, the notice to the legal and registered owners must state the length of the impound, the requirement of posting a security deposit, notice that without the security deposit the vehicle will be sold at auction, and notice that the registered owner is ineligible to purchase the vehicle at auction.

A person who wants to redeem a vehicle at the end of the suspended-license impound must pay a security deposit to the tow truck operator within five days of the impound. To redeem

the vehicle, the registered owner must establish with the court having jurisdiction or the agency that ordered the impound that all fines have been paid. Tow truck operators are not liable for damages if they relied in good faith on a document from the agency or court.

The tow truck operator may not require a security deposit of more than half of the applicable impound storage rate for each day of the proposed impound. If the tow truck operator does not receive a security deposit, the operator may sell the vehicle at auction under the current statutory time limits. The registered owner may redeem the vehicle up to 24 hours before the beginning of the auction. If the vehicle is sold at auction for more than the impound costs, the additional money must be returned to the owner of the vehicle. The registered owner may not purchase the vehicle at auction.

A rental car business may immediately redeem a vehicle upon paying the impound and storage costs. A motor vehicle dealer or lender may lawfully repossess a vehicle upon paying the impound and storage costs. The dealer may not knowingly repossess the vehicle and return it to the registered owner.

It is unlawful for a motor vehicle dealer to knowingly engage in collusion with the registered owner of a vehicle to repossess the vehicle and return or resell it to the registered owner in an attempt to avoid a suspended-license impound.

Votes on Final Passage:

Senate	46	0	
House	95	0	(House amended)
Senate	41	0	(Senate concurred)

Effective: July 25, 1999

Partial Veto Summary: The section of the bill requiring tow truck operators to send excess auction proceeds directly to the owner of the abandoned vehicle, instead of the motor vehicle fund, is eliminated.