
HOUSE BILL 1885

State of Washington 56th Legislature 1999 Regular Session

By Representatives Carrell, Ericksen, Sullivan, Koster and Dunn

Read first time 02/09/1999. Referred to Committee on Local Government.

1 AN ACT Relating to abatement and removal of vehicles from private
2 property; amending RCW 46.55.240; adding a new section to chapter 35.21
3 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that in a free
6 society, government must proceed very carefully when balancing the
7 public interests against the fundamental constitutional rights of
8 private property owners and, therefore, when government considers a
9 taking of an individual's private personal property it should be done
10 only when sanctioned by a court of law or to protect the public health
11 and safety.

12 To secure the rights of private property owners, ensure due
13 process, and more adequately protect the public from unnecessary public
14 nuisances, the legislature hereby intends to enhance the current
15 standard by which vehicles may be abated or removed from private
16 property without the consent of the owner.

17 **Sec. 2.** RCW 46.55.240 and 1994 c 176 s 2 are each amended to read
18 as follows:

1 (1) A city, town, or county that adopts an ordinance or resolution
2 concerning unauthorized, abandoned, or impounded vehicles shall include
3 the applicable provisions of this chapter.

4 (a) A city, town, or county may, by ordinance, authorize other
5 impound situations that may arise locally upon the public right-of-way
6 or other publicly owned or controlled property.

7 (b) A city, town, or county ordinance shall contain language that
8 establishes a written form of authorization to impound, which may
9 include a law enforcement notice of infraction or citation, clearly
10 denoting the agency's authorization to impound.

11 (c) A city, town, or county may, by ordinance, provide for release
12 of an impounded vehicle by means of a promissory note in lieu of
13 immediate payment, if at the time of redemption the legal or registered
14 owner requests a hearing on the validity of the impoundment. If the
15 municipal ordinance directs the release of an impounded vehicle before
16 the payment of the impoundment charges, the municipality is responsible
17 for the payment of those charges to the registered tow truck operator
18 within thirty days of the hearing date.

19 (d) The hearing specified in RCW 46.55.120(2) and in this section
20 may be conducted by an administrative hearings officer instead of in
21 the district court. A decision made by an administrative hearing
22 officer may be appealed to the district court for final judgment.

23 (2) A city, town, or county may adopt an ordinance establishing
24 procedures for the abatement and removal as public nuisances of junk
25 vehicles or parts thereof from private property. Costs of removal may
26 be assessed against the registered owner of the vehicle if the identity
27 of the owner can be determined, unless the owner in the transfer of
28 ownership of the vehicle has complied with RCW 46.12.101, or the costs
29 may be assessed against the owner of the property on which the vehicle
30 is stored. A city, town, or county may also provide for the payment to
31 the tow truck operator or wrecker as a part of a neighborhood
32 revitalization program.

33 (3) Ordinances pertaining to public nuisances involving vehicles
34 shall contain:

35 (a) A provision requiring notice to the last registered owner of
36 record and the property owner of record that a hearing may be requested
37 and that if no hearing is requested, the vehicle will be removed;

38 (b) A provision requiring that if a request for a hearing is
39 received, a notice giving the time, location, and date of the hearing

1 on the question of abatement and removal of the vehicle or part thereof
2 as a public nuisance shall be mailed, by certified mail, with a five-
3 day return receipt requested, to the owner of the land as shown on the
4 last equalized assessment roll and to the last registered and legal
5 owner of record unless the vehicle is in such condition that
6 identification numbers are not available to determine ownership;

7 (c) A provision that the ordinance shall not apply to:

8 (i) A vehicle or part thereof that is completely enclosed within a
9 building in a lawful manner where it is not visible from the street or
10 other public or private property ((or));

11 (ii) A vehicle or part thereof that is stored or parked in a lawful
12 manner on private property in connection with the business of a
13 licensed dismantler or licensed vehicle dealer and is fenced according
14 to RCW 46.80.130; or

15 (iii) A vehicle or part thereof for which the body thereof is fully
16 covered with a cloth or opaque plastic car cover, if the vehicle or
17 part thereof is located on the private property of the vehicle title
18 holder, or on the private property of a family member of the vehicle
19 title holder, unless such vehicle or part thereof is a safety or health
20 hazard. This exception applies to three or fewer vehicles or parts
21 thereof;

22 (d) A provision that the owner of the land on which the vehicle is
23 located may appear in person at the hearing or present a written
24 statement in time for consideration at the hearing, and deny
25 responsibility for the presence of the vehicle on the land, with his
26 reasons for the denial. If it is determined at the hearing that the
27 vehicle was placed on the land without the consent of the landowner and
28 that he has not subsequently acquiesced in its presence, then the local
29 agency shall not assess costs of administration or removal of the
30 vehicle against the property upon which the vehicle is located or
31 otherwise attempt to collect the cost from the owner;

32 (e) A provision that after notice has been given of the intent of
33 the city, town, or county to dispose of the vehicle and after a
34 hearing, if requested, has been held, the vehicle or part thereof shall
35 be removed at the request of a law enforcement officer with notice to
36 the Washington state patrol and the department of licensing that the
37 vehicle has been wrecked. The city, town, or county may operate such
38 a disposal site when its governing body determines that commercial
39 channels of disposition are not available or are inadequate, and it may

1 make final disposition of such vehicles or parts, or may transfer such
2 vehicle or parts to another governmental body provided such disposal
3 shall be only as scrap.

4 (4) A registered disposer under contract to a city or county for
5 the impounding of vehicles shall comply with any administrative
6 regulations adopted by the city or county on the handling and disposing
7 of vehicles.

8 NEW SECTION. **Sec. 3.** A new section is added to chapter 35.21 RCW
9 to read as follows:

10 A city, town, or county that adopts local ordinances pertaining to
11 public nuisances involving vehicles may not allow a law enforcement
12 officer having jurisdiction or any other authorized person to inspect
13 or certify the abatement or removal of those vehicles or parts thereof
14 that are included in RCW 46.55.240(3) from private property except as
15 specified therein.

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