
HOUSE BILL 2620

State of Washington

56th Legislature

2000 Regular Session

By Representatives Fisher, Mitchell and Wolfe

Read first time . Referred to Committee on .

1 AN ACT Relating to tow truck operators; and amending RCW 46.55.060,
2 46.55.130, and 46.61.570.

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

4 **Sec. 1.** RCW 46.55.060 and 1989 c 111 s 6 are each amended to read
5 as follows:

6 (1) The address that the tow truck operator lists on his or her
7 application shall be the business location of the firm where its files
8 are kept. Each separate business location requires a separate
9 registration under this chapter. The application shall also list all
10 locations of secure areas for vehicle storage and redemption.

11 (2) Before an additional lot may be used for vehicle storage, it
12 must be inspected and approved by the state patrol. The lot must also
13 be inspected and approved on an annual basis for continued use.

14 (3) Each business location must have a sign displaying the firm's
15 name that is readable from the street.

16 (4) At the business locations listed where vehicles may be
17 redeemed, the registered operator shall post in a conspicuous and
18 accessible location:

1 (a) All pertinent licenses and permits to operate as a registered
2 tow truck operator;

3 (b) The current towing and storage charges itemized on a form
4 approved by the department;

5 (c) The vehicle redemption procedure and rights;

6 (d) Information supplied by the department as to where complaints
7 regarding either equipment or service are to be directed;

8 (e) Information concerning the acceptance of commercially
9 reasonable tender as defined in RCW 46.55.120(1)((~~b~~)) (e).

10 (5) The department shall adopt rules concerning fencing and
11 security requirements of storage areas, which may provide for
12 modifications or exemptions where needed to achieve compliance with
13 local zoning laws.

14 (6) On any day when the registered tow truck operator holds the
15 towing services open for business, the business office shall remain
16 open with personnel present who are able to release impounded vehicles
17 in accordance with this chapter and the rules adopted under it. The
18 normal business hours of a towing service shall be from 8:00 a.m. to
19 5:00 p.m. on weekdays, excluding Saturdays, Sundays, and holidays.

20 (7) A registered tow truck operator shall maintain personnel who
21 can be contacted twenty-four hours a day to release impounded vehicles
22 within a reasonable time.

23 (8) A registered operator shall provide access to a telephone for
24 any person redeeming a vehicle, at the time of redemption.

25 (9) The business location established under this section serves as
26 the business location of the registered tow truck operator for all
27 purposes, including business licensure by counties, cities, towns, and
28 all other political subdivisions. Registered tow truck operators may
29 be required to have a business license for each separate business
30 location, but they are exempt from business licensure by a political
31 subdivision based solely upon the operator picking up or delivering a
32 vehicle in the political subdivision.

33 **Sec. 2.** RCW 46.55.130 and 1998 c 203 s 6 are each amended to read
34 as follows:

35 (1) If, after the expiration of fifteen days from the date of
36 mailing of notice of custody and sale required in RCW 46.55.110((~~2~~))
37 (3) to the registered and legal owners, the vehicle remains unclaimed
38 and has not been listed as a stolen vehicle, or for which a suspended

1 license impound has been directed but no security paid under RCW
2 46.55.120, then the registered tow truck operator having custody of the
3 vehicle shall conduct a sale of the vehicle at public auction after
4 having first published a notice of the date, place, and time of the
5 auction in a newspaper of general circulation in the county in which
6 the vehicle is located not less than three days and no more than ten
7 days before the date of the auction. The notice shall contain a
8 description of the vehicle including the make, model, year, and license
9 number and a notification that a three-hour public viewing period will
10 be available before the auction. The auction shall be held during
11 daylight hours of a normal business day.

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

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

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

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

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

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

29 (f) The successful bidder shall apply for title within fifteen
30 days;

31 (g) The registered tow truck operator shall post a copy of the
32 auction procedure at the bidding site. If the bidding site is
33 different from the licensed office location, the operator shall post a
34 clearly visible sign at the office location that describes in detail
35 where the auction will be held. At the bidding site a copy of the
36 newspaper advertisement that lists the vehicles for sale shall be
37 posted;

38 (h) All surplus moneys derived from the auction after satisfaction
39 of the registered tow truck operator's lien shall be remitted within

1 thirty days to the department for deposit in the state motor vehicle
2 fund. A report identifying the vehicles resulting in any surplus shall
3 accompany the remitted funds. If the director subsequently receives a
4 valid claim from the registered vehicle owner of record as determined
5 by the department within one year from the date of the auction, the
6 surplus moneys shall be remitted to such owner;

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

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

15 (4)(a) In no case may the accumulation of storage charges exceed
16 fifteen days from the date of receipt of the information by the
17 operator from the department as provided by RCW 46.55.110((+2)) (3).

18 (b) The failure of the registered tow truck operator to comply with
19 the time limits provided in this chapter limits the accumulation of
20 storage charges to five days except where delay is unavoidable.
21 Providing incorrect or incomplete identifying information to the
22 department in the abandoned vehicle report shall be considered a
23 failure to comply with these time limits if correct information is
24 available. However, storage charges begin to accrue again on the date
25 the correct and complete information is provided to the department by
26 the registered tow truck operator.

27 **Sec. 3.** RCW 46.61.570 and 1977 ex.s. c 151 s 40 are each amended
28 to read as follows:

29 (1) Except when necessary to avoid conflict with other traffic, or
30 in compliance with law or the directions of a police officer or
31 official traffic control device, no person shall:

32 (a) Stop, stand, or park a vehicle:

33 (i) On the roadway side of any vehicle stopped or parked at the
34 edge or curb of a street;

35 (ii) On a sidewalk or street planting strip;

36 (iii) Within an intersection;

37 (iv) On a crosswalk;

1 (v) Between a safety zone and the adjacent curb or within thirty
2 feet of points on the curb immediately opposite the ends of a safety
3 zone, unless official signs or markings indicate a different no-parking
4 area opposite the ends of a safety zone;

5 (vi) Alongside or opposite any street excavation or obstruction
6 when stopping, standing, or parking would obstruct traffic;

7 (vii) Upon any bridge or other elevated structure upon a highway or
8 within a highway tunnel;

9 (viii) On any railroad tracks;

10 (ix) In the area between roadways of a divided highway including
11 crossovers; or

12 (x) At any place where official signs prohibit stopping.

13 (b) Stand or park a vehicle, whether occupied or not, except
14 momentarily to pick up or discharge a passenger or passengers:

15 (i) In front of a public or private driveway or within five feet of
16 the end of the curb radius leading thereto;

17 (ii) Within fifteen feet of a fire hydrant;

18 (iii) Within twenty feet of a crosswalk;

19 (iv) Within thirty feet upon the approach to any flashing signal,
20 stop sign, yield sign, or traffic control signal located at the side of
21 a roadway;

22 (v) Within twenty feet of the driveway entrance to any fire station
23 and on the side of a street opposite the entrance to any fire station
24 within seventy-five feet of said entrance when properly signposted; or

25 (vi) At any place where official signs prohibit standing.

26 (c) Park a vehicle, whether occupied or not, except temporarily for
27 the purpose of and while actually engaged in loading or unloading
28 property or passengers:

29 (i) Within fifty feet of the nearest rail of a railroad crossing;
30 or

31 (ii) At any place where official signs prohibit parking.

32 (2) Parking or standing shall be permitted in the manner provided
33 by law at all other places except a time limit may be imposed or
34 parking restricted at other places but such limitation and restriction
35 shall be by city ordinance or county resolution or order of the
36 secretary of transportation upon highways under their respective
37 jurisdictions.

1 (3) No person shall move a vehicle not lawfully under his or her
2 control into any such prohibited area or away from a curb such a
3 distance as is unlawful.

4 (4) It shall be unlawful for any person to reserve or attempt to
5 reserve any portion of a highway for the purpose of stopping, standing,
6 or parking to the exclusion of any other like person, nor shall any
7 person be granted such right.

8 (5) This section does not apply to a registered tow truck operator
9 engaged in the recovery or removal of an abandoned or disabled vehicle,
10 or performing emergency service on a vehicle, when the stopping,
11 standing, or parking is reasonably necessary and for only a time as is
12 reasonably necessary.

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