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**SUBSTITUTE HOUSE BILL 2753**

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**State of Washington**

**57th Legislature**

**2002 Regular Session**

**By** House Committee on Transportation (originally sponsored by Representatives Hatfield, Hankins, Schindler, Cooper, Rockefeller and Edwards)

Read first time . Referred to Committee on .

1 AN ACT Relating to department of licensing agents or subagents;  
2 amending RCW 46.12.070, 46.80.090, 46.55.100, and 46.01.230; and  
3 providing an effective date.

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

5 **Sec. 1.** RCW 46.12.070 and 1990 c 250 s 28 are each amended to read  
6 as follows:

7 Upon the destruction of any vehicle issued a certificate of  
8 ownership under this chapter or a license registration under chapter  
9 46.16 RCW, the registered owner and the legal owner shall forthwith and  
10 within fifteen days thereafter forward and surrender the certificate to  
11 the department, or the department's agent or subagent appointed under  
12 chapter 46.01 RCW, together with a statement of the reason for the  
13 surrender and the date and place of destruction and the fee specified  
14 in RCW 46.01.140 (4)(a) or (5)(b). Failure to notify the department,  
15 or the department's agent or subagent, or the possession by any person  
16 of any such certificate for a vehicle so destroyed, after fifteen days  
17 following its destruction, is prima facie evidence of violation of the  
18 provisions of this chapter and constitutes a gross misdemeanor.

1 Any insurance company settling an insurance claim on a vehicle that  
2 has been issued a certificate of ownership under this chapter or a  
3 certificate of license registration under chapter 46.16 RCW as a total  
4 loss, less salvage value, shall notify the department (~~(thereof)~~), or  
5 the department's agent or subagent appointed under chapter 46.01 RCW,  
6 with the fee specified in RCW 46.01.140 (4)(a) or (5)(b) within fifteen  
7 days after the settlement of the claim. Notification shall be provided  
8 regardless of where or in what jurisdiction the total loss occurred.

9 **Sec. 2.** RCW 46.80.090 and 1999 c 278 s 3 are each amended to read  
10 as follows:

11 Within thirty days after acquiring a vehicle, the vehicle wrecker  
12 shall furnish a written report to the department, or its agents or  
13 subagents appointed under RCW 46.01.140, with the fee specified in RCW  
14 46.01.140 (4)(a) or (5)(b). This report shall be in such form as the  
15 department shall prescribe and shall be accompanied by evidence of  
16 ownership as determined by the department. No vehicle wrecker may  
17 acquire a vehicle, including a vehicle from an interim owner, without  
18 first obtaining evidence of ownership as determined by the department.  
19 For a vehicle from an interim owner, the evidence of ownership may not  
20 require that a title be issued in the name of the interim owner as  
21 required by RCW 46.12.101. The vehicle wrecker shall furnish a monthly  
22 report of all acquired vehicles. This report shall be made on forms  
23 prescribed by the department and contain such information as the  
24 department may require. This statement shall be signed by the vehicle  
25 wrecker or an authorized representative and the facts therein sworn to  
26 before a notary public, or before an officer or employee of the  
27 department designated by the director to administer oaths or  
28 acknowledge signatures, pursuant to RCW 46.01.180.

29 **Sec. 3.** RCW 46.55.100 and 1999 c 398 s 5 are each amended to read  
30 as follows:

31 (1) At the time of impoundment the registered tow truck operator  
32 providing the towing service shall give immediate notification, by  
33 telephone or radio, to a law enforcement agency having jurisdiction who  
34 shall maintain a log of such reports. A law enforcement agency, or a  
35 private communication center acting on behalf of a law enforcement  
36 agency, shall within six to twelve hours of the impoundment, provide to  
37 a requesting operator the name and address of the legal and registered

1 owners of the vehicle, and the registered owner of any personal  
2 property registered or titled with the department that is attached to  
3 or contained in or on the impounded vehicle, the vehicle identification  
4 number, and any other necessary, pertinent information. The initial  
5 notice of impoundment shall be followed by a written or electronic  
6 facsimile notice within twenty-four hours. In the case of a vehicle  
7 from another state, time requirements of this subsection do not apply  
8 until the requesting law enforcement agency in this state receives the  
9 information.

10 (2) The operator shall immediately send an abandoned vehicle report  
11 to the department or the department's agent or subagent appointed under  
12 RCW 46.01.140, together with the fee prescribed in RCW 46.01.140 (4)(a)  
13 or (5)(b) for any vehicle, and for any items of personal property  
14 registered or titled with the department, that are in the operator's  
15 possession after the one hundred twenty hour abandonment period. Such  
16 report need not be sent when the impoundment is pursuant to a writ,  
17 court order, or police hold that is not a suspended license impound.  
18 The owner notification and abandonment process shall be initiated by  
19 the registered tow truck operator immediately following notification by  
20 a court or law enforcement officer that the writ, court order, or  
21 police hold that is not a suspended license impound is no longer in  
22 effect.

23 (3) Following the submittal of an abandoned vehicle report, the  
24 department or the department's agent or subagent shall provide the  
25 registered tow truck operator with owner information within seventy-two  
26 hours, excluding Saturdays, Sundays, and state and federal holidays.

27 (4) Within fourteen days of the sale of an abandoned vehicle at  
28 public auction, the towing operator shall send a copy of the abandoned  
29 vehicle report showing the disposition of the abandoned vehicle and any  
30 other items of personal property registered or titled with the  
31 department to the crime information center of the Washington state  
32 patrol.

33 (5) If the operator sends an abandoned vehicle report to the  
34 department, or the department's agent or subagent, and (~~the department~~  
35 ~~finds~~) they find no owner information, an operator may proceed with an  
36 inspection of the vehicle and any other items of personal property  
37 registered or titled with the department to determine whether owner  
38 identification is within the vehicle.

1 (6) If the operator finds no owner identification, the operator  
2 shall immediately notify the appropriate law enforcement agency, which  
3 shall search the vehicle and any other items of personal property  
4 registered or titled with the department for the vehicle identification  
5 number or other appropriate identification numbers and check the  
6 necessary records to determine the vehicle's or other property's  
7 owners.

8 **Sec. 4.** RCW 46.01.230 and 1994 c 262 s 1 are each amended to read  
9 as follows:

10 (1) The department of licensing is authorized to accept checks and  
11 money orders for payment of drivers' licenses, certificates of  
12 ownership and registration, motor vehicle excise taxes, gross weight  
13 fees, and other fees and taxes collected by the department, in  
14 accordance with regulations adopted by the director. The director's  
15 regulations shall duly provide for the public's convenience consistent  
16 with sound business practice and shall encourage the annual renewal of  
17 vehicle registrations by mail to the department, authorizing checks and  
18 money orders for payment. Such regulations shall contain provisions  
19 for cancellation of any registrations, licenses, or permits paid for by  
20 checks or money orders which are not duly paid and for the necessary  
21 accounting procedures in such cases: PROVIDED, That any bona fide  
22 purchaser for value of a vehicle shall not be liable or responsible for  
23 any prior uncollected taxes and fees paid, pursuant to this section, by  
24 a check which has subsequently been dishonored: AND PROVIDED FURTHER,  
25 That no transfer of ownership of a vehicle may be denied to a bona fide  
26 purchaser for value of a vehicle if there are outstanding uncollected  
27 fees or taxes for which a predecessor paid, pursuant to this section,  
28 by check which has subsequently been dishonored nor shall the new owner  
29 be required to pay any fee for replacement vehicle license number  
30 plates that may be required pursuant to RCW 46.16.270 as now or  
31 hereafter amended.

32 (2) It is a traffic infraction to fail to surrender within ten days  
33 to the department or any authorized agent of the department any  
34 certificate, license, or permit after being notified that such  
35 certificate, license, or permit has been canceled pursuant to this  
36 section. Notice of cancellation may be accomplished by sending a  
37 notice by first class mail using the last known address in department

1 records for the holder of the certificate, license, or permit, and  
2 recording the transmittal on an affidavit of first class mail.

3 (3) Whenever registrations, licenses, or permits have been paid for  
4 by checks that have been dishonored by nonacceptance or nonpayment, a  
5 reasonable handling fee may be assessed for each such instrument.  
6 Notwithstanding provisions of any other laws, county auditors, agents,  
7 and subagents, appointed or approved by the director pursuant to RCW  
8 46.01.140, may collect restitution, and where they have collected  
9 restitution may retain the reasonable handling fee. The amount of the  
10 reasonable handling fee may be set by rule by the director.

11 (4) In those counties where the county auditor has been appointed  
12 an agent of the director under RCW 46.01.140, the auditor shall  
13 continue to process mail-in registration renewals until directed  
14 otherwise by legislative authority. Subagents appointed by the  
15 director under RCW 46.01.140 have the same authority to handle mail as  
16 the agents until directed otherwise by legislative authority.

17 NEW SECTION. **Sec. 5.** This act takes effect January 1, 2003.

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