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HOUSE BILL 2753

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State of Washington

57th Legislature

2002 Regular Session

By Representatives Hatfield, Hankins, Schindler, Cooper, Rockefeller and Edwards

Read first time 01/25/2002. Referred to Committee on Transportation.

1 AN ACT Relating to department of licensing agents or subagents; and  
2 amending RCW 46.12.070, 46.80.090, and 46.55.100.

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

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

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

18 Any insurance company settling an insurance claim on a vehicle that  
19 has been issued a certificate of ownership under this chapter or a

1 certificate of license registration under chapter 46.16 RCW as a total  
2 loss, less salvage value, shall notify the department (~~(thereof)~~), or  
3 the department's agent or subagent appointed under chapter 46.01 RCW,  
4 within fifteen days after the settlement of the claim. Notification  
5 shall be provided regardless of where or in what jurisdiction the total  
6 loss occurred.

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

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

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

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

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

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

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

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

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

36 (6) If the operator finds no owner identification, the operator  
37 shall immediately notify the appropriate law enforcement agency, which  
38 shall search the vehicle and any other items of personal property  
39 registered or titled with the department for the vehicle identification

1 number or other appropriate identification numbers and check the  
2 necessary records to determine the vehicle's or other property's  
3 owners.

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