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SENATE BILL 5983

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State of Washington

57th Legislature

2001 Regular Session

By Senators Swecker, Hochstatter, Gardner, Haugen, T. Sheldon and Rasmussen

Read first time 02/12/2001. Referred to Committee on Transportation.

1 AN ACT Relating to abandoned vehicles; amending RCW 46.20.031,  
2 46.20.289, 46.20.291, 46.20.311, 46.55.085, 46.55.105, 46.55.110,  
3 46.63.030, and 46.63.110; creating a new section; and prescribing  
4 penalties.

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

6 **Sec. 1.** RCW 46.20.031 and 1999 c 6 s 7 are each amended to read as  
7 follows:

8 The department shall not issue a driver's license to a person:

9 (1) Who is under the age of sixteen years;

10 (2) Whose driving privilege has been withheld unless and until the  
11 department may authorize the driving privilege under RCW 46.20.311;

12 (3) Who has been classified as an alcoholic, drug addict, alcohol  
13 abuser, or drug abuser by a program approved by the department of  
14 social and health services. The department may, however, issue a  
15 license if the person:

16 (a) Has been granted a deferred prosecution under chapter 10.05  
17 RCW; or

18 (b) Is satisfactorily participating in or has successfully  
19 completed an alcohol or drug abuse treatment program approved by the

1 department of social and health services and has established control of  
2 his or her alcohol or drug abuse problem;

3 (4) Who has previously been adjudged to be mentally ill or insane,  
4 or to be incompetent due to a mental disability or disease. The  
5 department shall, however, issue a license to the person if he or she  
6 otherwise qualifies and:

7 (a) Has been restored to competency by the methods provided by law;  
8 or

9 (b) The superior court finds the person able to operate a motor  
10 vehicle with safety upon the highways during such incompetency;

11 (5) Who has not passed the driver's licensing examination required  
12 by RCW 46.20.120 and 46.20.305, if applicable;

13 (6) Who is required under the laws of this state to deposit proof  
14 of financial responsibility and who has not deposited such proof;

15 (7) Who is unable to safely operate a motor vehicle upon the  
16 highways due to a physical or mental disability. The department's  
17 conclusion that a person is barred from licensing under this subsection  
18 must be reasonable and be based upon good and substantial evidence.  
19 This determination is subject to review by a court of competent  
20 jurisdiction((;

21 ~~(8) Who has violated his or her written promise to appear, respond,~~  
22 ~~or comply regarding a notice of infraction issued for abandonment of a~~  
23 ~~vehicle in violation of RCW 46.55.105, unless:~~

24 ~~(a) The court has not notified the department of the violation;~~

25 ~~(b) The department has received notice from the court showing that~~  
26 ~~the person has been found not to have committed the violation of RCW~~  
27 ~~46.55.105; or~~

28 ~~(c) The person has paid all monetary penalties owing, including~~  
29 ~~completion of community service, and the court is satisfied that the~~  
30 ~~person has made restitution as provided by RCW 46.55.105(2)).~~

31 **Sec. 2.** RCW 46.20.289 and 1999 c 274 s 1 are each amended to read  
32 as follows:

33 The department shall suspend all driving privileges of a person  
34 when the department receives notice from a court under RCW  
35 46.63.070(~~((+5))~~) (6), 46.63.110(5), or 46.64.025 that the person has  
36 failed to respond to a notice of traffic infraction, failed to appear  
37 at a requested hearing, violated a written promise to appear in court,  
38 or has failed to comply with the terms of a notice of traffic

1 infraction or citation, other than for ((a notice of a violation of RCW  
2 46.55.105 or)) a standing, stopping, or parking violation. A  
3 suspension under this section takes effect thirty days after the date  
4 the department mails notice of the suspension, and remains in effect  
5 until the department has received a certificate from the court showing  
6 that the case has been adjudicated, and until the person meets the  
7 requirements of RCW 46.20.311. In the case of failure to respond to a  
8 traffic infraction issued under RCW 46.55.105, the department shall  
9 suspend all driving privileges until all penalties have been paid. A  
10 suspension under this section does not take effect if, prior to the  
11 effective date of the suspension, the department receives a certificate  
12 from the court showing that the case has been adjudicated.

13 **Sec. 3.** RCW 46.20.291 and 1998 c 165 s 12 are each amended to read  
14 as follows:

15 The department is authorized to suspend the license of a driver  
16 upon a showing by its records or other sufficient evidence that the  
17 licensee:

18 (1) Has committed an offense for which mandatory revocation or  
19 suspension of license is provided by law;

20 (2) Has, by reckless or unlawful operation of a motor vehicle,  
21 caused or contributed to an accident resulting in death or injury to  
22 any person or serious property damage;

23 (3) Has been convicted of offenses against traffic regulations  
24 governing the movement of vehicles, or found to have committed traffic  
25 infractions, with such frequency as to indicate a disrespect for  
26 traffic laws or a disregard for the safety of other persons on the  
27 highways;

28 (4) Is incompetent to drive a motor vehicle under RCW 46.20.031(3);

29 (5) Has failed to respond to a notice of traffic infraction, failed  
30 to appear at a requested hearing, violated a written promise to appear  
31 in court, or has failed to comply with the terms of a notice of traffic  
32 infraction or citation, as provided in RCW 46.20.289;

33 (6) Is subject to suspension under RCW 46.20.305;

34 (7) Has committed one of the prohibited practices relating to  
35 drivers' licenses defined in RCW ((46.20.336)) 46.20.0921; ((or))

36 (8) Has been certified by the department of social and health  
37 services as a person who is not in compliance with a child support

1 order or a residential or visitation order as provided in RCW  
2 74.20A.320; or  
3 (9) Has committed an infraction under RCW 46.55.105.

4 **Sec. 4.** RCW 46.20.311 and 2000 c 115 s 7 are each amended to read  
5 as follows:

6 (1)(a) The department shall not suspend a driver's license or  
7 privilege to drive a motor vehicle on the public highways for a fixed  
8 period of more than one year, except as specifically permitted under  
9 RCW 46.20.267, 46.20.342, or other provision of law. Except for a  
10 suspension under RCW 46.20.267, 46.20.289, 46.20.291(5), or 74.20A.320,  
11 whenever the license or driving privilege of any person is suspended by  
12 reason of a conviction, a finding that a traffic infraction has been  
13 committed, pursuant to chapter 46.29 RCW, or pursuant to RCW 46.20.291  
14 or 46.20.308, the suspension shall remain in effect until the person  
15 gives and thereafter maintains proof of financial responsibility for  
16 the future as provided in chapter 46.29 RCW. If the suspension is the  
17 result of a violation of RCW 46.61.502 or 46.61.504, the department  
18 shall determine the person's eligibility for licensing based upon the  
19 reports provided by the alcoholism agency or probation department  
20 designated under RCW 46.61.5056 and shall deny reinstatement until  
21 enrollment and participation in an approved program has been  
22 established and the person is otherwise qualified. Whenever the  
23 license or driving privilege of any person is suspended as a result of  
24 certification of noncompliance with a child support order under chapter  
25 74.20A RCW or a residential or visitation order, the suspension shall  
26 remain in effect until the person provides a release issued by the  
27 department of social and health services stating that the person is in  
28 compliance with the order.

29 (b)(i) The department shall not issue to the person a new,  
30 duplicate, or renewal license until the person pays a reissue fee of  
31 twenty dollars.

32 (ii) If the suspension is the result of a violation of RCW  
33 46.61.502 or 46.61.504, or is the result of administrative action under  
34 RCW 46.20.308, the reissue fee shall be one hundred fifty dollars.

35 (2)(a) Any person whose license or privilege to drive a motor  
36 vehicle on the public highways has been revoked, unless the revocation  
37 was for a cause which has been removed, is not entitled to have the  
38 license or privilege renewed or restored until the person provides

1 evidence from the court that all penalties have been paid and  
2 restitution has been made, and: (i) After the expiration of one year  
3 from the date the license or privilege to drive was revoked; (ii) after  
4 the expiration of the applicable revocation period provided by RCW  
5 46.20.3101 or 46.61.5055; (iii) after the expiration of two years for  
6 persons convicted of vehicular homicide; or (iv) after the expiration  
7 of the applicable revocation period provided by RCW 46.20.265.

8 (b)(i) After the expiration of the appropriate period, the person  
9 may make application for a new license as provided by law together with  
10 a reissue fee in the amount of twenty dollars.

11 (ii) If the revocation is the result of a violation of RCW  
12 46.20.308, 46.61.502, or 46.61.504, the reissue fee shall be one  
13 hundred fifty dollars. If the revocation is the result of a violation  
14 of RCW 46.61.502 or 46.61.504, the department shall determine the  
15 person's eligibility for licensing based upon the reports provided by  
16 the alcoholism agency or probation department designated under RCW  
17 46.61.5056 and shall deny reissuance of a license, permit, or privilege  
18 to drive until enrollment and participation in an approved program has  
19 been established and the person is otherwise qualified.

20 (c) Except for a revocation under RCW 46.20.265, the department  
21 shall not then issue a new license unless it is satisfied after  
22 investigation of the driving ability of the person that it will be safe  
23 to grant the privilege of driving a motor vehicle on the public  
24 highways, and until the person gives and thereafter maintains proof of  
25 financial responsibility for the future as provided in chapter 46.29  
26 RCW. For a revocation under RCW 46.20.265, the department shall not  
27 issue a new license unless it is satisfied after investigation of the  
28 driving ability of the person that it will be safe to grant that person  
29 the privilege of driving a motor vehicle on the public highways.

30 (3)(a) Whenever the driver's license of any person is suspended  
31 pursuant to Article IV of the nonresident violators compact or RCW  
32 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue  
33 to the person any new or renewal license until the person pays a  
34 reissue fee of twenty dollars.

35 (b) If the suspension is the result of a violation of the laws of  
36 this or any other state, province, or other jurisdiction involving (i)  
37 the operation or physical control of a motor vehicle upon the public  
38 highways while under the influence of intoxicating liquor or drugs, or

1 (ii) the refusal to submit to a chemical test of the driver's blood  
2 alcohol content, the reissue fee shall be one hundred fifty dollars.

3 **Sec. 5.** RCW 46.55.085 and 1993 c 121 s 1 are each amended to read  
4 as follows:

5 (1) A law enforcement officer discovering an unauthorized vehicle  
6 left within a highway right of way shall attach to the vehicle a  
7 readily visible notification sticker. The sticker shall contain the  
8 following information:

9 (a) The date and time the sticker was attached;

10 (b) The identity of the officer;

11 (c) A statement that if the vehicle is not removed within twenty-  
12 four hours from the time the sticker is attached, the registered owner  
13 will have committed the traffic infraction of littering--abandoned  
14 vehicle and the vehicle may be taken into custody and stored at the  
15 owner's expense; and

16 (d) The address and telephone number where additional information  
17 may be obtained.

18 (2) If the vehicle has current Washington registration plates, the  
19 officer shall check the records to learn the identity of the last owner  
20 of record. The officer or his department shall make a reasonable  
21 effort to contact the owner by telephone in order to give the owner the  
22 information on the notification sticker.

23 (3) If the vehicle is not removed within twenty-four hours from the  
24 time the notification sticker is attached, the law enforcement officer  
25 may take custody of the vehicle and provide for the vehicle's removal  
26 to a place of safety. A vehicle that does not pose a safety hazard may  
27 remain on the roadside for more than twenty-four hours if the owner or  
28 operator is unable to remove it from the place where it is located and  
29 so notifies law enforcement officials and requests assistance.

30 (4) For the purposes of this section a place of safety includes the  
31 business location of a registered tow truck operator.

32 **Sec. 6.** RCW 46.55.105 and 1999 c 86 s 5 are each amended to read  
33 as follows:

34 (1) The abandonment of any vehicle creates a prima facie  
35 presumption that the last registered owner of record is responsible for  
36 the abandonment and is liable for costs incurred in removing, storing,

1 and disposing of the abandoned vehicle, less amounts realized at  
2 auction.

3 (2) If an unauthorized vehicle is found abandoned under subsection  
4 (1) of this section and removed at the direction of law enforcement,  
5 the last registered owner of record is guilty of ((a)) the traffic  
6 infraction of "littering--abandoned vehicle," unless the vehicle is  
7 redeemed as provided in RCW 46.55.120. In addition to any other  
8 monetary penalty payable under chapter 46.63 RCW, the court shall not  
9 consider all monetary penalties as having been paid until the court is  
10 satisfied that the person found to have committed the infraction has  
11 made restitution in the amount of the deficiency remaining after  
12 disposal of the vehicle under RCW 46.55.140.

13 (3) A vehicle theft report filed with a law enforcement agency  
14 relieves the last registered owner of liability under subsection (2) of  
15 this section for failure to redeem the vehicle. However, the last  
16 registered owner remains liable for the costs incurred in removing,  
17 storing, and disposing of the abandoned vehicle under subsection (1) of  
18 this section. Nothing in this section limits in any way the registered  
19 owner's rights in a civil action or as restitution in a criminal action  
20 against a person responsible for the theft of the vehicle.

21 (4) Properly filing a report of sale or transfer regarding the  
22 vehicle involved in accordance with RCW 46.12.101(1) relieves the last  
23 registered owner of liability under subsections (1) and (2) of this  
24 section. If the date of sale as indicated on the report of sale is on  
25 or before the date of impoundment, the buyer identified on the latest  
26 properly filed report of sale with the department is assumed liable for  
27 the costs incurred in removing, storing, and disposing of the abandoned  
28 vehicle, less amounts realized at auction. If the date of sale is  
29 after the date of impoundment, the previous registered owner is assumed  
30 to be liable for such costs. A licensed vehicle dealer is not liable  
31 under subsections (1) and (2) of this section if the dealer, as  
32 transferee or assignee of the last registered owner of the vehicle  
33 involved, has complied with the requirements of RCW 46.70.122 upon  
34 selling or otherwise disposing of the vehicle, or if the dealer has  
35 timely filed a transitional ownership record or report of sale under  
36 RCW 46.12.103. In that case the person to whom the licensed vehicle  
37 dealer has sold or transferred the vehicle is assumed liable for the  
38 costs incurred in removing, storing, and disposing of the abandoned  
39 vehicle, less amounts realized at auction.

1 (5) For the purposes of reporting notices of traffic infraction to  
2 the department under RCW 46.20.270 and 46.52.101, and for purposes of  
3 reporting notices of failure to appear, respond, or comply regarding a  
4 notice of traffic infraction to the department under RCW  
5 46.63.070(~~(+5)~~) (6), a traffic infraction under subsection (2) of this  
6 section is not considered to be a standing, stopping, or parking  
7 violation.

8 (6) A notice of infraction for a violation of this section may be  
9 filed with a court of limited jurisdiction organized under Title 3, 35,  
10 or 35A RCW, or with a violations bureau subject to the court's  
11 jurisdiction.

12 **Sec. 7.** RCW 46.55.110 and 1999 c 398 s 6 are each amended to read  
13 as follows:

14 (1) When an unauthorized vehicle is impounded, the impounding  
15 towing operator shall notify the legal and registered owners of the  
16 impoundment of the unauthorized vehicle and the owners of any other  
17 items of personal property registered or titled with the department.  
18 The notification shall be sent by first-class mail within twenty-four  
19 hours after the impoundment to the last known registered and legal  
20 owners of the vehicle, and the owners of any other items of personal  
21 property registered or titled with the department, as provided by the  
22 law enforcement agency, and shall inform the owners of the identity of  
23 the person or agency authorizing the impound. The notification shall  
24 include the name of the impounding tow firm, its address, and telephone  
25 number. The notice shall also include the location, time of the  
26 impound, and by whose authority the vehicle was impounded. The notice  
27 shall also include the written notice of the right of redemption and  
28 opportunity for a hearing to contest the validity of the impoundment  
29 pursuant to RCW 46.55.120.

30 (2) In addition, if a suspended license impound has been ordered,  
31 the notice must state the length of the impound, the requirement of the  
32 posting of a security deposit to ensure payment of the costs of  
33 removal, towing, and storage, notification that if the security deposit  
34 is not posted the vehicle will immediately be processed and sold at  
35 auction as an abandoned vehicle, and the requirements set out in RCW  
36 46.55.120(1)(b) regarding the payment of the costs of removal, towing,  
37 and storage as well as providing proof of satisfaction of any  
38 penalties, fines, or forfeitures before redemption. The notice must



1 also state that the registered owner is ineligible to purchase the  
2 vehicle at the abandoned vehicle auction, if held.

3 (3) In the case of an abandoned vehicle, or other item of personal  
4 property registered or titled with the department, within twenty-four  
5 hours after receiving information on the owners from the department  
6 through the abandoned vehicle report, the tow truck operator shall send  
7 by certified mail, with return receipt requested, a notice of custody  
8 and sale to the legal and registered owners and of the penalties for  
9 the traffic infraction littering--abandoned vehicle.

10 (4) If the date on which a notice required by subsection (3) of  
11 this section is to be mailed falls upon a Saturday, Sunday, or a postal  
12 holiday, the notice may be mailed on the next day that is neither a  
13 Saturday, Sunday, nor a postal holiday.

14 (5) No notices need be sent to the legal or registered owners of an  
15 impounded vehicle or other item of personal property registered or  
16 titled with the department, if the vehicle or personal property has  
17 been redeemed.

18 **Sec. 8.** RCW 46.63.030 and 1995 c 219 s 5 are each amended to read  
19 as follows:

20 (1) A law enforcement officer has the authority to issue a notice  
21 of traffic infraction:

22 (a) When the infraction is committed in the officer's presence;

23 (b) When the officer is acting upon the request of a law  
24 enforcement officer in whose presence the traffic infraction was  
25 committed; or

26 (c) If an officer investigating at the scene of a motor vehicle  
27 accident has reasonable cause to believe that the driver of a motor  
28 vehicle involved in the accident has committed a traffic infraction.

29 (2) A court may issue a notice of traffic infraction upon receipt  
30 of a written statement of the officer that there is reasonable cause to  
31 believe that an infraction was committed.

32 (3) If any motor vehicle without a driver is found parked,  
33 standing, or stopped in violation of this title or an equivalent  
34 administrative regulation or local law, ordinance, regulation, or  
35 resolution, the officer finding the vehicle shall take its registration  
36 number and may take any other information displayed on the vehicle  
37 which may identify its user, and shall conspicuously affix to the  
38 vehicle a notice of traffic infraction. In the case of an abandoned

1 vehicle, the notice must be entitled "Littering--Abandoned Vehicle,"  
2 and give notice of the monetary penalty.

3 (4) In the case of failure to redeem an abandoned vehicle under RCW  
4 46.55.120, upon receiving a complaint by a registered tow truck  
5 operator that has incurred costs in removing, storing, and disposing of  
6 an abandoned vehicle, an officer of the law enforcement agency  
7 responsible for directing the removal of the vehicle shall send a  
8 notice of infraction by certified mail to the last known address of the  
9 registered owner of the vehicle. The officer shall append to the  
10 notice of infraction, on a form prescribed by the department of  
11 licensing, a notice indicating the amount of costs incurred as a result  
12 of removing, storing, and disposing of the abandoned vehicle, less any  
13 amount realized at auction, and a statement that monetary penalties for  
14 the infraction will not be considered as having been paid until the  
15 monetary penalty payable under this chapter has been paid and the court  
16 is satisfied that the person has made restitution in the amount of the  
17 deficiency remaining after disposal of the vehicle.

18 **Sec. 9.** RCW 46.63.110 and 1997 c 331 s 3 are each amended to read  
19 as follows:

20 (1) A person found to have committed a traffic infraction shall be  
21 assessed a monetary penalty. No penalty may exceed two hundred and  
22 fifty dollars for each offense unless authorized by this chapter or  
23 title. For the commission of littering--abandoned vehicle under RCW  
24 46.55.105(2), the department shall suspend the driver's license of the  
25 person until all penalties are paid.

26 (2) The supreme court shall prescribe by rule a schedule of  
27 monetary penalties for designated traffic infractions. This rule shall  
28 also specify the conditions under which local courts may exercise  
29 discretion in assessing fines and penalties for traffic infractions.  
30 The legislature respectfully requests the supreme court to adjust this  
31 schedule every two years for inflation.

32 (3) There shall be a penalty of twenty-five dollars for failure to  
33 respond to a notice of traffic infraction except where the infraction  
34 relates to parking as defined by local law, ordinance, regulation, or  
35 resolution or failure to pay a monetary penalty imposed pursuant to  
36 this chapter. A local legislative body may set a monetary penalty not  
37 to exceed twenty-five dollars for failure to respond to a notice of  
38 traffic infraction relating to parking as defined by local law,

1 ordinance, regulation, or resolution. The local court, whether a  
2 municipal, police, or district court, shall impose the monetary penalty  
3 set by the local legislative body.

4 (4) Monetary penalties provided for in chapter 46.70 RCW which are  
5 civil in nature and penalties which may be assessed for violations of  
6 chapter 46.44 RCW relating to size, weight, and load of motor vehicles  
7 are not subject to the limitation on the amount of monetary penalties  
8 which may be imposed pursuant to this chapter.

9 (5) Whenever a monetary penalty is imposed by a court under this  
10 chapter it is immediately payable. If the person is unable to pay at  
11 that time the court may, in its discretion, grant an extension of the  
12 period in which the penalty may be paid. If the penalty is not paid on  
13 or before the time established for payment the court shall notify the  
14 department of the failure to pay the penalty, and the department shall  
15 suspend the person's driver's license or driving privilege until the  
16 penalty has been paid and the penalty provided in subsection (3) of  
17 this section has been paid.

18 (6) In addition to any other penalties imposed under this section  
19 and not subject to the limitation of subsection (1) of this section, a  
20 person found to have committed a traffic infraction shall be assessed  
21 a fee of five dollars per infraction. Under no circumstances shall  
22 this fee be reduced or waived. Revenue from this fee shall be  
23 forwarded to the state treasurer for deposit in the emergency medical  
24 services and trauma care system trust account under RCW 70.168.040.

25 NEW SECTION. **Sec. 10.** The legislature respectfully requests the  
26 Washington state supreme court to set the fine for littering--abandoned  
27 vehicle at two hundred fifty dollars.

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