

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 1504**

59th Legislature  
2006 Regular Session

Passed by the House February 10, 2006  
Yeas 97 Nays 1

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**Speaker of the House of Representatives**

Passed by the Senate March 2, 2006  
Yeas 48 Nays 1

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**President of the Senate**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1504** as passed by the House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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**SUBSTITUTE HOUSE BILL 1504**

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Passed Legislature - 2006 Regular Session

**State of Washington                      59th Legislature                      2006 Regular Session**

**By** House Committee on Transportation (originally sponsored by  
Representatives Simpson, Woods and Lovick)

READ FIRST TIME 02/07/06.

1            AN ACT Relating to abandoned vehicle auctions; and amending RCW  
2 46.55.130.

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

4            **Sec. 1.** RCW 46.55.130 and 2002 c 279 s 12 are each amended to read  
5 as follows:

6            (1) If, after the expiration of fifteen days from the date of  
7 mailing of notice of custody and sale required in RCW 46.55.110(3) to  
8 the registered and legal owners, the vehicle remains unclaimed and has  
9 not been listed as a stolen vehicle, or a suspended license impound has  
10 been directed, but no security paid under RCW 46.55.120, then the  
11 registered tow truck operator having custody of the vehicle shall  
12 conduct a sale of the vehicle at public auction after having first  
13 published a notice of the date, place, and time of the auction, and a  
14 method to contact the tow truck operator conducting the auction such as  
15 a telephone number, electronic mail address, or web site, in a  
16 newspaper of general circulation in the county in which the vehicle is  
17 located not less than three days and no more than ten days before the  
18 date of the auction. For the purposes of this section, a newspaper of  
19 general circulation may be a commercial, widely circulated, free,

1 classified advertisement circular not affiliated with the registered  
2 tow truck operator and the notice may be listed in a classification  
3 delineating "Auctions" or similar language designed to attract  
4 potential bidders to the auction. The notice shall contain a  
5 ~~((description of the vehicle including the make, model, year, and~~  
6 ~~license number and a))~~ notification that a ~~((three hour))~~ public  
7 viewing period will be available before the auction and the length of  
8 the viewing period. The auction shall be held during daylight hours of  
9 a normal business day. The viewing period must be one hour if twenty-  
10 five or fewer vehicles are to be auctioned, two hours if more than  
11 twenty-five and fewer than fifty vehicles are to be auctioned, and  
12 three hours if fifty or more vehicles are to be auctioned.

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

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

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

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

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

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

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

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

1 (h) All surplus moneys derived from the auction after satisfaction  
2 of the registered tow truck operator's lien shall be remitted within  
3 thirty days to the department for deposit in the state motor vehicle  
4 fund. A report identifying the vehicles resulting in any surplus shall  
5 accompany the remitted funds. If the director subsequently receives a  
6 valid claim from the registered vehicle owner of record as determined  
7 by the department within one year from the date of the auction, the  
8 surplus moneys shall be remitted to such owner;

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

14 (3) A tow truck operator may refuse to accept a bid at an abandoned  
15 vehicle auction under this section for any reason in the operator's  
16 posted operating procedures and for any of the following reasons: (a)  
17 The bidder is currently indebted to the operator; (b) the operator has  
18 knowledge that the bidder has previously abandoned vehicles purchased  
19 at auction; or (c) the bidder has purchased, at auction, more than four  
20 vehicles in the last calendar year without obtaining title to any or  
21 all of the vehicles. In no case may an operator hold a vehicle for  
22 longer than ninety days without holding an auction on the vehicle,  
23 except for vehicles that are under a police or judicial hold.

24 (4)(a) In no case may the accumulation of storage charges exceed  
25 fifteen days from the date of receipt of the information by the  
26 operator from the department as provided by RCW 46.55.110(3).

27 (b) The failure of the registered tow truck operator to comply with  
28 the time limits provided in this chapter limits the accumulation of  
29 storage charges to five days except where delay is unavoidable.  
30 Providing incorrect or incomplete identifying information to the  
31 department in the abandoned vehicle report shall be considered a  
32 failure to comply with these time limits if correct information is  
33 available. However, storage charges begin to accrue again on the date  
34 the correct and complete information is provided to the department by  
35 the registered tow truck operator.

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