
HOUSE BILL 2633

State of Washington

60th Legislature

2008 Regular Session

By Representative Newhouse

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1 AN ACT Relating to the payment of traffic fines; amending RCW
2 4.16.020 and 46.55.120; adding a new section to chapter 46.16 RCW; and
3 providing an effective date.

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

5 **Sec. 1.** RCW 4.16.020 and 2002 c 261 s 2 are each amended to read
6 as follows:

7 The period prescribed for the commencement of actions shall be as
8 follows:

9 Within ten years:

10 (1) For actions for the recovery of real property, or for the
11 recovery of the possession thereof; and no action shall be maintained
12 for such recovery unless it appears that the plaintiff, his or her
13 ancestor, predecessor or grantor was seized or possessed of the
14 premises in question within ten years before the commencement of the
15 action.

16 (2) For an action upon a judgment or decree of any court of the
17 United States, or of any state or territory within the United States,
18 or of any territory or possession of the United States outside the
19 boundaries thereof, or of any extraterritorial court of the United

1 States, unless the period is extended under RCW 6.17.020 or a similar
2 provision in another jurisdiction. This subsection does not apply to
3 monetary penalties assessed under RCW 46.63.110.

4 (3) Of the eighteenth birthday of the youngest child named in the
5 order for whom support is ordered for an action to collect past due
6 child support that has accrued under an order entered after July 23,
7 1989, by any of the above-named courts or that has accrued under an
8 administrative order as defined in RCW 74.20A.020(6), which is issued
9 after July 23, 1989.

10 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.16 RCW
11 to read as follows:

12 The director or the director's agents shall not renew a vehicle
13 license unless the applicant has paid all monetary penalties for
14 traffic infractions assessed under RCW 46.63.110. This section does
15 not apply to an applicant who is in compliance with a payment plan for
16 monetary penalties entered into with a court under RCW 46.63.110(6).

17 **Sec. 3.** RCW 46.55.120 and 2004 c 250 s 1 are each amended to read
18 as follows:

19 (1) Vehicles or other items of personal property registered or
20 titled with the department that are impounded by registered tow truck
21 operators pursuant to RCW 46.55.080, 46.55.085, 46.55.113, or 9A.88.140
22 may be redeemed only under the following circumstances:

23 (a) Only the legal owner, the registered owner, a person authorized
24 in writing by the registered owner or the vehicle's insurer, a person
25 who is determined and verified by the operator to have the permission
26 of the registered owner of the vehicle or other item of personal
27 property registered or titled with the department, or one who has
28 purchased a vehicle or item of personal property registered or titled
29 with the department from the registered owner who produces proof of
30 ownership or written authorization and signs a receipt therefor, may
31 redeem an impounded vehicle or items of personal property registered or
32 titled with the department. In addition, a vehicle impounded because
33 the operator is in violation of RCW 46.20.342(1)(c) shall not be
34 released until a person eligible to redeem it under this subsection
35 (1)(a) satisfies the requirements of (e) of this subsection, including
36 paying all towing, removal, and storage fees, notwithstanding the fact

1 that the hold was ordered by a government agency. If the department's
2 records show that the operator has been convicted of a violation of RCW
3 46.20.342 or a similar local ordinance within the past five years, the
4 vehicle may be held for up to thirty days at the written direction of
5 the agency ordering the vehicle impounded. A vehicle impounded because
6 the operator is arrested for a violation of RCW 46.20.342 may be
7 released only pursuant to a written order from the agency that ordered
8 the vehicle impounded or from the court having jurisdiction. An agency
9 may issue a written order to release pursuant to a provision of an
10 applicable state agency rule or local ordinance authorizing release on
11 the basis of the following:

12 (i) Economic or personal hardship to the spouse of the operator,
13 taking into consideration public safety factors, including the
14 operator's criminal history and driving record; or

15 (ii) The owner of the vehicle was not the driver, the owner did not
16 know that the driver's license was suspended or revoked, and the owner
17 has not received a prior release under this subsection or RCW
18 46.55.113(3).

19 In order to avoid discriminatory application, other than for the
20 reasons for release set forth in (a)(i) and (ii) of this subsection, an
21 agency shall, under a provision of an applicable state agency rule or
22 local ordinance, deny release in all other circumstances without
23 discretion.

24 If a vehicle is impounded because the operator is in violation of
25 RCW 46.20.342(1) (a) or (b), the vehicle may be held for up to thirty
26 days at the written direction of the agency ordering the vehicle
27 impounded. However, if the department's records show that the operator
28 has been convicted of a violation of RCW 46.20.342(1) (a) or (b) or a
29 similar local ordinance within the past five years, the vehicle may be
30 held at the written direction of the agency ordering the vehicle
31 impounded for up to sixty days, and for up to ninety days if the
32 operator has two or more such prior offenses. If a vehicle is
33 impounded because the operator is arrested for a violation of RCW
34 46.20.342, the vehicle may not be released until a person eligible to
35 redeem it under this subsection (1)(a) satisfies the requirements of
36 (e) of this subsection, including paying all towing, removal, and
37 storage fees, notwithstanding the fact that the hold was ordered by a
38 government agency.

1 (b) If the vehicle is directed to be held for a suspended license
2 impound, a person who desires to redeem the vehicle at the end of the
3 period of impound shall within five days of the impound at the request
4 of the tow truck operator pay a security deposit to the tow truck
5 operator of not more than one-half of the applicable impound storage
6 rate for each day of the proposed suspended license impound. The tow
7 truck operator shall credit this amount against the final bill for
8 removal, towing, and storage upon redemption. The tow truck operator
9 may accept other sufficient security in lieu of the security deposit.
10 If the person desiring to redeem the vehicle does not pay the security
11 deposit or provide other security acceptable to the tow truck operator,
12 the tow truck operator may process and sell at auction the vehicle as
13 an abandoned vehicle within the normal time limits set out in RCW
14 46.55.130(1). The security deposit required by this section may be
15 paid and must be accepted at any time up to twenty-four hours before
16 the beginning of the auction to sell the vehicle as abandoned. The
17 registered owner is not eligible to purchase the vehicle at the
18 auction, and the tow truck operator shall sell the vehicle to the
19 highest bidder who is not the registered owner.

20 (c) Notwithstanding (b) of this subsection, a rental car business
21 may immediately redeem a rental vehicle it owns by payment of the costs
22 of removal, towing, and storage, whereupon the vehicle will not be held
23 for a suspended license impound.

24 (d) Notwithstanding (b) of this subsection, a motor vehicle dealer
25 or lender with a perfected security interest in the vehicle may redeem
26 or lawfully repossess a vehicle immediately by payment of the costs of
27 removal, towing, and storage, whereupon the vehicle will not be held
28 for a suspended license impound. A motor vehicle dealer or lender with
29 a perfected security interest in the vehicle may not knowingly and
30 intentionally engage in collusion with a registered owner to repossess
31 and then return or resell a vehicle to the registered owner in an
32 attempt to avoid a suspended license impound. However, this provision
33 does not preclude a vehicle dealer or a lender with a perfected
34 security interest in the vehicle from repossessing the vehicle and then
35 selling, leasing, or otherwise disposing of it in accordance with
36 chapter 62A.9A RCW, including providing redemption rights to the debtor
37 under RCW 62A.9A-623. If the debtor is the registered owner of the
38 vehicle, the debtor's right to redeem the vehicle under chapter 62A.9A

1 RCW is conditioned upon the debtor obtaining and providing proof from
2 the impounding authority or court having jurisdiction that any fines,
3 penalties, and forfeitures owed by the registered owner, as a result of
4 the suspended license impound, have been paid, and proof of the payment
5 must be tendered to the vehicle dealer or lender at the time the debtor
6 tenders all other obligations required to redeem the vehicle. Vehicle
7 dealers or lenders are not liable for damages if they rely in good
8 faith on an order from the impounding agency or a court in releasing a
9 vehicle held under a suspended license impound.

10 (e) The vehicle or other item of personal property registered or
11 titled with the department shall be released upon the presentation to
12 any person having custody of the vehicle of commercially reasonable
13 tender sufficient to cover the costs of towing, storage, or other
14 services rendered during the course of towing, removing, impounding, or
15 storing any such vehicle, with credit being given for the amount of any
16 security deposit paid under (b) of this subsection. In addition, if a
17 vehicle is impounded because the operator was arrested for a violation
18 of RCW 46.20.342 or 46.20.345 and was being operated by the registered
19 owner when it was impounded under local ordinance or agency rule, it
20 must not be released to any person until the registered owner
21 establishes with the agency that ordered the vehicle impounded or the
22 court having jurisdiction that any penalties, fines, or forfeitures
23 owed by him or her have been satisfied. Registered tow truck operators
24 are not liable for damages if they rely in good faith on an order from
25 the impounding agency or a court in releasing a vehicle held under a
26 suspended license impound. Commercially reasonable tender shall
27 include, without limitation, cash, major bank credit cards issued by
28 financial institutions, or personal checks drawn on Washington state
29 branches of financial institutions if accompanied by two pieces of
30 valid identification, one of which may be required by the operator to
31 have a photograph. If the towing firm cannot determine through the
32 customer's bank or a check verification service that the presented
33 check would be paid by the bank or guaranteed by the service, the
34 towing firm may refuse to accept the check. Any person who stops
35 payment on a personal check or credit card, or does not make
36 restitution within ten days from the date a check becomes insufficient
37 due to lack of funds, to a towing firm that has provided a service
38 pursuant to this section or in any other manner defrauds the towing

1 firm in connection with services rendered pursuant to this section
2 shall be liable for damages in the amount of twice the towing and
3 storage fees, plus costs and reasonable attorney's fees.

4 (f) The registered owner may redeem the impounded vehicle if he or
5 she has paid all monetary penalties for traffic infractions assessed
6 under RCW 46.63.110. This section does not apply to a registered owner
7 who is in compliance with a payment plan for monetary penalties entered
8 into with a court under RCW 46.63.110(6).

9 (2)(a) The registered tow truck operator shall give to each person
10 who seeks to redeem an impounded vehicle, or item of personal property
11 registered or titled with the department, written notice of the right
12 of redemption and opportunity for a hearing, which notice shall be
13 accompanied by a form to be used for requesting a hearing, the name of
14 the person or agency authorizing the impound, and a copy of the towing
15 and storage invoice. The registered tow truck operator shall maintain
16 a record evidenced by the redeeming person's signature that such
17 notification was provided.

18 (b) Any person seeking to redeem an impounded vehicle under this
19 section has a right to a hearing in the district or municipal court for
20 the jurisdiction in which the vehicle was impounded to contest the
21 validity of the impoundment or the amount of towing and storage
22 charges. The district court has jurisdiction to determine the issues
23 involving all impoundments including those authorized by the state or
24 its agents. The municipal court has jurisdiction to determine the
25 issues involving impoundments authorized by agents of the municipality.
26 Any request for a hearing shall be made in writing on the form provided
27 for that purpose and must be received by the appropriate court within
28 ten days of the date the opportunity was provided for in subsection
29 (2)(a) of this section and more than five days before the date of the
30 auction. At the time of the filing of the hearing request, the
31 petitioner shall pay to the court clerk a filing fee in the same amount
32 required for the filing of a suit in district court. If the hearing
33 request is not received by the court within the ten-day period, the
34 right to a hearing is waived and the registered owner is liable for any
35 towing, storage, or other impoundment charges permitted under this
36 chapter. Upon receipt of a timely hearing request, the court shall
37 proceed to hear and determine the validity of the impoundment.

1 (3)(a) The court, within five days after the request for a hearing,
2 shall notify the registered tow truck operator, the person requesting
3 the hearing if not the owner, the registered and legal owners of the
4 vehicle or other item of personal property registered or titled with
5 the department, and the person or agency authorizing the impound in
6 writing of the hearing date and time.

7 (b) At the hearing, the person or persons requesting the hearing
8 may produce any relevant evidence to show that the impoundment, towing,
9 or storage fees charged were not proper. The court may consider a
10 written report made under oath by the officer who authorized the
11 impoundment in lieu of the officer's personal appearance at the
12 hearing.

13 (c) At the conclusion of the hearing, the court shall determine
14 whether the impoundment was proper, whether the towing or storage fees
15 charged were in compliance with the posted rates, and who is
16 responsible for payment of the fees. The court may not adjust fees or
17 charges that are in compliance with the posted or contracted rates.

18 (d) If the impoundment is found proper, the impoundment, towing,
19 and storage fees as permitted under this chapter together with court
20 costs shall be assessed against the person or persons requesting the
21 hearing, unless the operator did not have a signed and valid
22 impoundment authorization from a private property owner or an
23 authorized agent.

24 (e) If the impoundment is determined to be in violation of this
25 chapter, then the registered and legal owners of the vehicle or other
26 item of personal property registered or titled with the department
27 shall bear no impoundment, towing, or storage fees, and any security
28 shall be returned or discharged as appropriate, and the person or
29 agency who authorized the impoundment shall be liable for any towing,
30 storage, or other impoundment fees permitted under this chapter. The
31 court shall enter judgment in favor of the registered tow truck
32 operator against the person or agency authorizing the impound for the
33 impoundment, towing, and storage fees paid. In addition, the court
34 shall enter judgment in favor of the registered and legal owners of the
35 vehicle, or other item of personal property registered or titled with
36 the department, for the amount of the filing fee required by law for
37 the impound hearing petition as well as reasonable damages for loss of
38 the use of the vehicle during the time the same was impounded against

1 the person or agency authorizing the impound. However, if an
2 impoundment arising from an alleged violation of RCW 46.20.342 or
3 46.20.345 is determined to be in violation of this chapter, then the
4 law enforcement officer directing the impoundment and the government
5 employing the officer are not liable for damages if the officer relied
6 in good faith and without gross negligence on the records of the
7 department in ascertaining that the operator of the vehicle had a
8 suspended or revoked driver's license. If any judgment entered is not
9 paid within fifteen days of notice in writing of its entry, the court
10 shall award reasonable attorneys' fees and costs against the defendant
11 in any action to enforce the judgment. Notice of entry of judgment may
12 be made by registered or certified mail, and proof of mailing may be
13 made by affidavit of the party mailing the notice. Notice of the entry
14 of the judgment shall read essentially as follows:

15 TO:
16 YOU ARE HEREBY NOTIFIED JUDGMENT was entered against you in the
17 Court located at in the sum of
18 \$., in an action entitled, Case No.
19 YOU ARE FURTHER NOTIFIED that attorneys fees and costs
20 will be awarded against you under RCW . . . if the judgment is
21 not paid within 15 days of the date of this notice.
22 DATED this day of, (year) . . .
23 Signature
24 Typed name and address
25 of party mailing notice

26 (4) Any impounded abandoned vehicle or item of personal property
27 registered or titled with the department that is not redeemed within
28 fifteen days of mailing of the notice of custody and sale as required
29 by RCW 46.55.110(3) shall be sold at public auction in accordance with
30 all the provisions and subject to all the conditions of RCW 46.55.130.
31 A vehicle or item of personal property registered or titled with the
32 department may be redeemed at any time before the start of the auction
33 upon payment of the applicable towing and storage fees.

34 NEW SECTION. **Sec. 4.** This act takes effect July 1, 2008.

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