
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2817

State of Washington

60th Legislature

2008 Regular Session

By House Transportation (originally sponsored by Representatives Campbell, Green, Morrell, Hudgins, and McCune)

READ FIRST TIME 02/12/08.

1 AN ACT Relating to motor vehicles, vehicles, and vessels
2 contaminated with methamphetamines; amending RCW 64.44.050; adding a
3 new section to chapter 64.44 RCW; adding a new section to chapter 46.55
4 RCW; and creating a new section.

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

6 **Sec. 1.** RCW 64.44.050 and 2006 c 339 s 205 are each amended to
7 read as follows:

8 (1) An owner of contaminated property who desires to have the
9 property decontaminated, demolished, or disposed of shall use the
10 services of an authorized contractor unless otherwise authorized by the
11 local health officer. The contractor and property owner shall prepare
12 and submit a written work plan for decontamination, demolition, or
13 disposal to the local health officer. The local health officer may
14 charge a reasonable fee for review of the work plan. If the work plan
15 is approved and the decontamination, demolition, or disposal is
16 completed and the property is retested according to the plan and
17 properly documented, then the health officer shall allow reuse of the
18 property. A release for reuse document shall be recorded in the real
19 property records indicating the property has been decontaminated,

1 demolished, or disposed of in accordance with rules of the state
2 department of health. The property owner is responsible for: (a) The
3 costs of any property testing which may be required to demonstrate the
4 presence or absence of hazardous chemicals; and (b) the costs of the
5 property's decontamination, demolition, and disposal expenses, as well
6 as costs incurred by the local health officer resulting from the
7 enforcement of this chapter.

8 (2)(a) In a case where the contaminated property is a motor vehicle
9 as defined in RCW 46.04.320, a vehicle as defined in RCW 46.04.670, or
10 a vessel as defined in RCW 88.02.010, and methamphetamine or any of its
11 salts, isomers, and salts of isomers were found inside, and the local
12 health officer has issued an order declaring the property unfit and
13 prohibiting its use, the city or county in which the property is
14 located shall take action to prohibit use, occupancy, or removal, and
15 shall require demolition, disposal, or decontamination of the property.
16 The city, county, or local law enforcement agency may impound the
17 vehicle or vessel to enforce this chapter.

18 (b) The property owner shall have the property demolished, disposed
19 of, or decontaminated by an authorized contractor, or under a written
20 work plan approved by the local health officer, within thirty days of
21 receiving the order declaring the property unfit and prohibited from
22 use. After all procedures granting the right of notice and the
23 opportunity to appeal in RCW 64.44.030 have been exhausted, if the
24 property owner has not demolished, disposed of, or decontaminated the
25 property using an authorized contractor, or under a written work plan
26 approved by the local health officer within thirty days, then the local
27 health officer or the local law enforcement agency may demolish,
28 dispose of, or decontaminate the property. The property owner is
29 responsible for the costs of the property's demolition, disposal, or
30 decontamination, as well as all costs incurred by the local health
31 officer or the local law enforcement agency resulting from the
32 enforcement of this chapter, except as otherwise provided for under
33 this subsection.

34 (c) The legal owner of a motor vehicle as defined in RCW 46.04.320,
35 a vehicle as defined in RCW 46.04.670, or a vessel as defined in RCW
36 88.02.010 whose sole basis of ownership is a bona fide security
37 interest is responsible for costs under this subsection if the legal

1 owner had knowledge of or consented to any act or omission that caused
2 contamination of the vehicle or vessel.

3 (d) If the vehicle or vessel has been stolen and the property owner
4 neither had knowledge of nor consented to any act or omission that
5 contributed to the theft and subsequent contamination of the vehicle or
6 vessel, the owner is not responsible for costs under this subsection,
7 except if the registered owner is insured, the registered owner shall
8 within fifteen calendar days of receiving an order declaring the
9 property unfit and prohibiting its use, submit a claim to his or her
10 insurer for reimbursement of costs of the property's demolition,
11 disposal, or decontamination, as well as all costs incurred by the
12 local health officer or the local law enforcement agency resulting from
13 the enforcement of this chapter, and shall provide proof of claim to
14 the local health officer or the local law enforcement agency.

15 (e) If the property owner has not acted to demolish, dispose of, or
16 decontaminate as set forth in this subsection regardless of
17 responsibility for costs, and the local health officer or local law
18 enforcement agency has taken responsibility for demolition, disposal,
19 or decontamination, including all associated costs, then all rights,
20 title, and interest in the property shall be deemed forfeited to the
21 local health jurisdiction or the local law enforcement agency.

22 (f) This subsection may not be construed to limit the authority of
23 a city, county, local law enforcement agency, or local health officer
24 to take action under this chapter to require the owner of the real
25 property upon which the contaminated vehicle or vessel is located to
26 comply with the requirements of this chapter, including provisions for
27 the right of notice and opportunity to appeal as provided in RCW
28 64.44.030.

29 (3) Except as provided in subsection (2) of this section, the local
30 health officer has thirty days from the issuance of an order declaring
31 a property unfit and prohibiting its use to establish a reasonable
32 timeline for decontamination. The department of health shall establish
33 the factors to be considered by the local health officer in
34 establishing the appropriate amount of time.

35 The local health officer shall notify the property owner of the
36 proposed time frame by United States mail to the last known address.
37 Notice shall be postmarked no later than the thirtieth day from the
38 issuance of the order. The property owner may request a modification

1 of the time frame by submitting a letter identifying the circumstances
2 which justify such an extension to the local health officer within
3 thirty-five days of the date of the postmark on the notification
4 regardless of when received.

5 NEW SECTION. **Sec. 2.** A new section is added to chapter 64.44 RCW
6 to read as follows:

7 (1) The Washington state department of licensing shall take action
8 to place notification on the title of any motor vehicle as defined in
9 RCW 46.04.320, a vehicle as defined in RCW 46.04.670, or a vessel as
10 defined in RCW 88.02.010, that the vehicle or vessel has been declared
11 unfit and prohibited from use by order of the local health officer
12 under this chapter. When satisfactory decontamination has been
13 completed and the contaminated property has been retested according to
14 the written work plan approved by the local health officer, a release
15 for reuse document shall be issued by the local health officer, and the
16 department shall place notification on the title of that vehicle or
17 vessel as having been decontaminated and released for reuse.

18 (2)(a) A person is guilty of a gross misdemeanor if he or she
19 advertises for sale or sells a motor vehicle as defined in RCW
20 46.04.320, a vehicle as defined in RCW 46.04.670, or a vessel as
21 defined in RCW 88.02.010, that has been declared unfit and prohibited
22 from use by the local health officer under this chapter when:

23 (i) The person has knowledge that the vehicle or vessel has been
24 found to be contaminated with methamphetamine or any of its salts,
25 isomers, and salts of isomers; or

26 (ii) A notification has been placed on the title under subsection
27 (1) of this section that the vehicle or vessel has been declared unfit
28 and prohibited from use.

29 (b) A person may advertise or sell a vehicle or vessel when a
30 release for reuse document has been issued by the local health officer
31 under this chapter or a notification has been placed on the title under
32 subsection (1) of this section that the vehicle or vessel has been
33 decontaminated and released for reuse.

34 NEW SECTION. **Sec. 3.** A new section is added to chapter 46.55 RCW
35 to read as follows:

36 An impound under RCW 64.44.050 shall not be considered an impound

1 under this chapter. A tow operator who contracts with a law
2 enforcement agency for transporting a vehicle impounded under RCW
3 64.44.050 shall only remove the vehicle to a secure public facility,
4 and not be required to store or dispose of the vehicle. The vehicle
5 shall remain in the care, custody, and control of the law enforcement
6 agency to be demolished, disposed of, or decontaminated as under RCW
7 64.44.050. The law enforcement agency shall pay for all costs incurred
8 as a result of the towing if the vehicle owner does not pay within
9 thirty days. The law enforcement agency may seek reimbursement from
10 the owner.

11 NEW SECTION. **Sec. 4.** If specific funding for the purposes of this
12 act, referencing this act by bill or chapter number, is not provided by
13 June 30, 2008, in the omnibus appropriations act, this act is null and
14 void.

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