
SENATE BILL 6472

State of Washington

60th Legislature

2008 Regular Session

By Senators Oemig, Weinstein, and Kline

Read first time 01/17/08. Referred to Committee on Labor, Commerce, Research & Development.

1 AN ACT Relating to commercial parking businesses; and adding a new
2 chapter to Title 19 RCW.

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

4 NEW SECTION. **Sec. 1.** The definitions in this section apply
5 throughout this chapter unless the context clearly requires otherwise.

6 (1) "Commercial parking business" means the ownership, lease,
7 operation, or management of a commercial parking lot.

8 (2) "Commercial parking lot" means a covered or uncovered area with
9 or without stalls for the purpose of parking motor vehicles for a fee.

10 (3) "Event parking" means parking for which fees are charged
11 outside of the rates normally charged for hourly or other periodic
12 parking, or of the rates specified in any sign that may be posted on
13 the commercial parking lot under section 2(1) of this act.

14 (4) "Parking charge" means a monetary fee charged to a parking
15 customer for parking in a commercial parking lot, and includes fees
16 charged for monthly parking, reserved parking, parking for a given
17 amount of time, event parking, unauthorized parking, late fees, and
18 collection agency fees.

1 (5) "Parking customer" means a person who parks a vehicle in a
2 commercial parking lot, and the registered owner of the vehicle; and
3 also means a person or entity that enters into an agreement, written or
4 otherwise, with a commercial parking business for parking services.

5 (6) "Unauthorized parking" means parking a vehicle in a commercial
6 parking lot in an area not designated for parking; in a reserved stall
7 or area without permission of the commercial parking business; in a
8 stall or area without paying the posted parking charge or without
9 paying a sufficient parking charge for the length of time the vehicle
10 is parked; in more than one stall simultaneously without paying the
11 appropriate parking charge for each stall; in a stall or area during
12 event parking without paying the event parking rate; or in a stall or
13 area without paying the parking charge provided in, or otherwise
14 without complying with, the terms of an agreement between the parking
15 customer and the commercial parking business.

16 (7) "Unauthorized vehicle" means a vehicle parked in a manner
17 constituting unauthorized parking.

18 NEW SECTION. **Sec. 2.** (1) Except as provided in subsections (2),
19 (3), and (4) of this section, a commercial parking business may not
20 charge a parking charge unless a sign is conspicuously posted on the
21 parking lot that clearly indicates:

22 (a) The times and circumstances for which a parking charge will be
23 charged;

24 (b) The amount of the parking charge, a schedule of hourly or daily
25 rates, or a schedule of parking charges for different circumstances or
26 durations;

27 (c) The fee for unpaid charges; and

28 (d) The name, telephone number, and address of the commercial
29 parking business.

30 (2) A commercial parking business need not comply with subsection
31 (1) of this section to charge a parking charge with respect to a
32 specific parking customer when the commercial parking business has an
33 agreement, written or otherwise, with the parking customer for parking
34 services.

35 (3) A commercial parking business need not comply with subsection
36 (1) of this section to charge a parking charge with respect to a
37 specific parking customer when the information required under

1 subsection (1) of this section is contained in a ticket, card, or other
2 written memorandum provided to the parking customer upon entry into the
3 commercial parking lot.

4 (4) A commercial parking business need not comply with subsection
5 (1) of this section to charge a parking charge for event parking,
6 provided the parking charge for the event is clearly disclosed to the
7 parking customer upon entry to the commercial parking lot by an on-site
8 attendant or by conspicuous signage posted at the entrance to the
9 commercial parking lot.

10 (5) A sign is "conspicuously posted" for the purposes of this
11 chapter only when the sign: (a) Is clearly visible at all times,
12 including after dark, to a person seated in the driver's seat of a
13 vehicle fifty feet away; (b) contains no information other than as is
14 required under this section or RCW 46.55.070; and (c) is in compliance
15 with the rules adopted by the department of licensing under RCW
16 46.55.070.

17 (6) A commercial parking business shall neither authorize nor allow
18 the impounding of any vehicle engaged in unauthorized parking, unless:

19 (a) The unauthorized parking constitutes a traffic hazard or
20 obstruction;

21 (b) A customer of the commercial parking business requests removal
22 of a vehicle that is engaging in unauthorized parking in the customer's
23 reserved stall at the time of the request; or

24 (c) The commercial parking business has twice previously notified
25 the registered owner of the vehicle pursuant to section 3 of this act
26 that the vehicle had parked without authorization at a facility owned,
27 leased, operated, or managed by the commercial parking business; has
28 either collected or attempted to collect, and has not waived the
29 unauthorized parking fee in either previous instance; and has with at
30 least one of the notices provided pursuant to section 3 of this act
31 informed the registered owner in writing that the vehicle could be
32 subject to impound if the vehicle engaged in unauthorized parking at
33 any of the parking business's facilities again.

34 NEW SECTION. **Sec. 3.** A parking customer who engages in
35 unauthorized parking is liable to the commercial parking business for
36 a reasonable parking charge if notice of the amount of the parking
37 charge is provided to such customer. If the customer fails to pay the

1 reasonable parking charge within thirty days and after notice as
2 provided in this section, then the customer is also liable to the
3 commercial parking business for a late fee not to exceed the twenty-
4 four hour parking rate and for reasonable collection agency fees not to
5 exceed twenty percent of the original fee in the event the account is
6 assigned to a collection agency licensed under chapter 19.16 RCW. In
7 addition, in the event of court action on the parking charges, it is
8 the burden of the party bringing the action to show, by a preponderance
9 of the evidence, both that the claimed unauthorized parking occurred,
10 including that payment of the posted parking charge was not tendered,
11 and that the commercial parking business was, at the time of the
12 alleged unauthorized parking, in compliance with section 2 of this act.
13 However, in the event the payment mechanism does not tender a receipt
14 showing the parking customer paid for parking, the party bringing the
15 action on the parking charges must show by clear and convincing
16 evidence that payment of the posted parking charge was not tendered.
17 The court shall award statutory costs and reasonable attorneys' fees to
18 the prevailing party in any action brought to recover or defend against
19 parking charges pursuant to this chapter.

20 (1) The following are presumed reasonable parking charges for
21 unauthorized parking:

22 (a) The posted parking charge that would be charged for the actual
23 time the vehicle remains parked at the commercial parking lot; or

24 (b) A fee not to exceed the twenty-four hour parking rate.

25 (2) If a parking charge for unauthorized parking is to be charged
26 in an amount other than the posted parking charge that would be charged
27 for the actual time the vehicle remains parked, then the amount of the
28 parking charge shall be stated in a sign or signs that are
29 conspicuously posted on the premises of the commercial parking lot. In
30 addition, written notice of the amount of the parking charge, however
31 calculated, and the date or dates of the unauthorized parking, the
32 license number of the unauthorized vehicle, and the name and address of
33 the commercial parking business shall be provided by any of the
34 following means:

35 (a) By affixing the notice to the windshield of the vehicle, or
36 otherwise conspicuously affixing it to the vehicle, while the vehicle
37 is still parked at the commercial parking lot;

1 (b) By mailing the notice via first-class mail, postage prepaid, to
2 the registered owner of the vehicle within the later of thirty days
3 after the effective date of this act or thirty days after the date the
4 unauthorized parking occurred; or

5 (c) By delivering the notice to the registered owner of the vehicle
6 through any commercially reasonable means within the later of thirty
7 days after the effective date of this act or thirty days after the date
8 the unauthorized parking occurred.

9 (3) If a late fee is to be charged, then the amount of the late fee
10 shall be stated in a sign or signs that are conspicuously posted on the
11 premises of the commercial parking lot. In addition, written notice of
12 the amount of the fee and the date or dates of the unauthorized
13 parking, the license number of the unauthorized vehicle, and the name
14 and address of the commercial parking business shall be provided by any
15 of the following means:

16 (a) By affixing the notice to the windshield of the vehicle, or
17 otherwise conspicuously affixing it to the vehicle, while the vehicle
18 is still parked at the commercial parking lot;

19 (b) By mailing the notice via first-class mail, postage prepaid, to
20 the registered owner of the vehicle within the later of thirty days
21 after the effective date of this act or thirty days after the date the
22 unauthorized parking occurred; or

23 (c) By delivering the notice to the registered owner of the vehicle
24 through any commercially reasonable means within the later of thirty
25 days after the effective date of this act or thirty days after the date
26 the unauthorized parking occurred.

27 (4) If a reasonable collection fee is to be charged, the commercial
28 parking business or its agent shall provide notice of the possibility
29 of assignment to collection of the fee, or the method of its
30 calculation, not less than thirty days prior to assessment of such fee.
31 The amount to be paid for collection services shall not exceed twenty
32 percent of the original fee. The notice required under this subsection
33 can be given by any of the following means, and can be combined with
34 any other notice given to the parking customer:

35 (a) By including the notice in the sign or signs that are required
36 to be posted at the commercial parking lot or that are otherwise
37 conspicuously posted on the premises of the commercial parking lot;

1 (b) By affixing the notice to the windshield of the vehicle, or
2 otherwise conspicuously affixing it to the vehicle, while the vehicle
3 is still parked at the commercial parking lot;

4 (c) By mailing the notice via first-class mail, postage prepaid, to
5 the registered owner of the vehicle within the later of thirty days
6 after the effective date of this act or thirty days after the date the
7 unauthorized parking occurred; or

8 (d) By delivering the notice to the registered owner of the vehicle
9 through any commercially reasonable means within the later of thirty
10 days after the effective date of this act or thirty days after the date
11 the unauthorized parking occurred.

12 (5) Nothing in this section prohibits a commercial parking business
13 or its agent from allowing more than thirty days for a parking customer
14 to pay a reasonable parking charge prior to assessing a late fee or a
15 collection agency fee. Nothing in this section prohibits a commercial
16 parking business or its agent from discounting any parking charges for
17 payment within a specified time frame, or from notifying a parking
18 customer that any parking charges will be discounted if paid within
19 such time frame.

20 NEW SECTION. **Sec. 4.** (1) Nothing in this chapter precludes the
21 right to commence action in a court under chapter 12.40 RCW for small
22 claims.

23 (2) This chapter applies to all parking charges incurred on or
24 after the effective date of this act.

25 NEW SECTION. **Sec. 5.** Sections 1 through 4 of this act constitute
26 a new chapter in Title 19 RCW.

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