

# SENATE BILL REPORT

## HB 2275

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As of February 23, 2012

**Title:** An act relating to allowing a registered tow truck operator to reimound a vehicle that has been redeemed from storage or purchased at auction and not removed from the operator's business premises.

**Brief Description:** Allowing a registered tow truck operator to reimound a vehicle that has been redeemed from storage or purchased at auction and not removed from the operator's business premises.

**Sponsors:** Representatives Goodman and Armstrong.

**Brief History:** Passed House: 2/09/12, 97-0.

**Committee Activity:** Transportation: 2/23/12.

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### SENATE COMMITTEE ON TRANSPORTATION

**Staff:** Kim Johnson (786-7472)

**Background:** Tow truck operators who impound vehicles from private or public property and/or tow for law enforcement agencies must register with the Department of Licensing (DOL). Impounds – i.e., the taking and holding of a vehicle in legal custody without the consent of the owner – may only be performed by registered tow truck operators (operators). If on public property, the impound is at the direction of a law enforcement officer; if the vehicle is on private property, the impound is at the direction of the property owner or the property owner's agent.

When an unauthorized vehicle is impounded, the operator must send an impound notice to the legal owner. After being held for a specified amount of time, a vehicle is considered abandoned and the operator must file an abandoned vehicle report with DOL. If the vehicle remains unclaimed, the operator must conduct a sale at public auction. Vehicles may be redeemed by their legal owners any time before the start of the auction upon payment of towing and storage charges.

Operators are prohibited from committing certain acts. A violation of these prohibitions is a gross misdemeanor. These prohibitions include:

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- asking for or receiving compensation, gratuities, or rewards from a person authorized to sign an impound authorization related to the impounding of a vehicle beyond the costs of towing, storage, or other services rendered;
- having an interest in a contract, agreement, or understanding between a person having control of private property and an agent of the person authorized to sign an impound authorization;
- having an interest in an entity whose functions include acting as an agent or representative of a property owner for the purpose of authorizing impounds; and
- entering into any contract or agreement with, or offering an incentive to, a person authorized to order a private impound that is related to the authorization of an impound.

**Summary of Bill:** In certain situations, an operator may re-impound a previously impounded vehicle that has been left at the operator's place of business for more than 24 hours. This applies when the vehicle has been redeemed from storage or purchased at auction and left by the person redeeming or purchasing the vehicle.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: Registered tow operators are not allowed to impound a vehicle off of property that they have a proprietary interest in, and for good reason. However, in some very limited circumstances this prohibition does not make sense. Sometimes a person redeems their vehicle from impound and for whatever reason does not remove it from the lot. Under current law, a registered tow operator must call a competitor to come tow the vehicle to a different lot because the registered tow operator cannot impound a vehicle on property that they own. The bill provides a very narrow exception to help deal with these vehicles; the bill actually saves the vehicle owner money as they don't have to pay for a new tow, just the new storage fees.

**Persons Testifying:** PRO: Stu Halsan, Towing and Recovery Assn.