
Local Government Committee

ESB 5121

Brief Description: Concerning the restoration of collector vehicles.

Sponsors: Senators Carrell, Benton, Becker, Bailey, Litzow, Roach and Honeyford.

<p style="text-align: center;">Brief Summary of Engrossed Bill</p> <ul style="list-style-type: none">• Establishes requirements related to collector vehicles in provisions governing local government authorizations for the abatement and removal of junk vehicles as public nuisances from private property.
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Hearing Date: 3/14/13

Staff: Ethan Moreno (786-7386).

Background:

Counties, cities, and towns may, by ordinance, establish procedures for the abatement and removal of junk vehicles or parts of junk vehicles, a statutorily defined term, as public nuisances from private property. These ordinances must meet specific requirements, including containing provisions:

- requiring the last registered owner of record and the property owner of record to be notified that a hearing before district court, municipal court, or an administrative hearings officer on the abatement and removal may be requested, and that if no hearing is requested, the vehicle will be removed;
- exempting vehicles or parts of vehicles that are enclosed in a building or stored and parked on fenced private property in connection with the business of a licensed dismantler or licensed vehicle dealer;
- specifying that the owner of the land on which the vehicle is located may appear in person at the hearing or present a written statement and deny responsibility for the presence of the vehicle on the land; and
- specifying that, after county, city, or town has provided notice of its intent to dispose of the vehicle and after a requested hearing has been held, the vehicle or vehicle parts must

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be removed at the request of a law enforcement officer with proper notice to the Washington State Patrol and the Department of Licensing.

Costs of the removal through public nuisance ordinances may be assessed against the registered owner of the vehicle, if the identity of the owner can be determined, or against the owner of the property upon which the vehicle is stored. However, if it is determined at a hearing that the vehicle was placed on the land without the consent of the landowner and that the land owner has not subsequently agreed to the vehicle's presence, the county, city, or town is prohibited from assessing administration or vehicle removal costs against the property owner.

Summary of Bill:

Provisions governing county, city, and town authorizations for the abatement and removal of junk vehicles or parts of junk vehicles as public nuisances from private property are modified.

Prior to removing a junk vehicle, a county, city, or town, must grant the property owner at least 30 days to produce evidence establishing that the vehicle is: one of three or fewer collector vehicles - defined as vehicles that are more than 30 years old - that are being actively restored or are being used to supply parts for a collector vehicle that is being actively restored; and not visible from the street or other public or private property. To establish this evidence, the property owner may, without limitation, present:

- evidence of active, recent restoration work on the vehicle, including receipts or other pertinent evidence;
- evidence that the property owner has a valid current registration or certificate of title for the vehicle; or
- evidence that the vehicle has a collector vehicle license plate or a horseless carriage license plate.

If the property owner establishes, by a preponderance of the evidence, the provisions stated above within the 30-day period, the vehicle may not be removed by the county, city, or town under its authority to remove junk vehicles as public nuisances. A county, city, or town, however, is not prohibited from enacting, enforcing, or maintaining an ordinance, development regulation, zoning regulation, or official control, policy, or administrative practice to otherwise regulate restoration of collector vehicles.

Ordinances for the abatement and removal of public nuisance junk vehicles must include a provision exempting collector vehicles from the ordinance's jurisdiction if the collector vehicle is:

- one of three or fewer collector vehicles that are being actively restored or are being used to supply parts for a collector vehicle that is being actively restored; and
- not visible from the street or other public or private property.

These ordinances must allow the land owner on which the vehicle is located to appear in person or at a hearing or to submit a written statement providing evidence that the vehicle is one of three or fewer collector vehicles that are being actively restored or are being used to supply parts for a collector vehicle that is being actively restored, and that it is not visible from the street or other public or private property. These ordinances must also expressly provide that if it is determined at the hearing that the vehicle was placed on the land without the consent of the land owner, and

that the land owner has not subsequently agreed to the vehicle's presence, the county, city, or town is prohibited from assessing administration or vehicle removal costs against the property owner.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.