

EHB 1443 - S COMM AMD

By Committee on Commerce & Labor

1 Strike everything after the enacting clause and insert the  
2 following:

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

6 (1) "Commercial parking business" means the entity that owns,  
7 leases, operates, or manages a commercial parking lot. State agencies  
8 operating parking facilities for state purposes are not commercial  
9 parking businesses.

10 (2) "Commercial parking lot" means a covered or uncovered area  
11 with or without stalls for the purpose of parking motor vehicles for  
12 a fee, excluding on-street parking.

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

17 (4) "Late fee" means a fee or charge assessed on the customer for  
18 failure to pay a parking charge when it was due.

19 (5) "Parking charge" means a monetary fee charged to a parking  
20 customer for parking in a commercial parking lot, and includes fees  
21 charged for monthly parking, fees charged for reserved parking, fees  
22 charged for parking for a given amount of time, fees charged for  
23 event parking, and fees charged for unauthorized parking.

24 (6) "Parking customer" means a person who parks a vehicle in a  
25 commercial parking lot, and the registered owner of the vehicle; and  
26 also means a person or entity that enters into an agreement, written  
27 or otherwise, with a commercial parking business for parking  
28 services.

29 (7) "Unauthorized parking" means parking a vehicle:

30 (a) In a commercial parking lot in an area not designated for  
31 parking;

32 (b) In a reserved stall or area without permission of the  
33 commercial parking business;

1 (c) In a stall or area without paying the posted parking charge  
2 in advance when it is required or without paying a sufficient parking  
3 charge for the length of time the vehicle is parked;

4 (d) In more than one stall simultaneously without paying the  
5 appropriate parking charge for each stall;

6 (e) In a stall or area during event parking without paying the  
7 event parking rate; or

8 (f) In a stall or area without paying the parking charge provided  
9 in, or otherwise without complying with, the terms of an agreement  
10 between the parking customer and the commercial parking business.

11 (8) "Unauthorized vehicle" means a vehicle parked in a manner  
12 constituting unauthorized parking.

13 NEW SECTION. **Sec. 2.** (1) Except as provided in subsections (2)  
14 and (3) of this section, a commercial parking business may not charge  
15 a parking charge unless signs are posted visible to the customers  
16 from the entrance that clearly indicate in letters and numbers  
17 meeting the requirements of the municipality where the commercial  
18 parking lot is located or if there are no requirements of the  
19 municipality then the dollar amounts provided for in (b) and (c) of  
20 this subsection must be in letters or numbers at least two inches in  
21 height:

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

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

27 (c) The circumstances under which a late fee will be assessed,  
28 the amount of the late fee, and the schedule on which late fees will  
29 be increased;

30 (d) The methods of payment accepted; and

31 (e) The name, telephone number, and address of the commercial  
32 parking business.

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

38 (3) A commercial parking business need not comply with subsection  
39 (1) of this section to charge a parking charge for event parking if

1 the parking charge for the event is clearly disclosed to the parking  
2 customer upon entry to the commercial parking lot by an on-site  
3 attendant or by conspicuous signage posted at the entrance to the  
4 commercial parking lot.

5 NEW SECTION. **Sec. 3.** (1)(a) The customer is not liable for any  
6 late fee unless the commercial parking business posted notice as  
7 provided in section 2 of this act and delivered written notice of the  
8 late fee to the customer within fifteen days of the date the late fee  
9 was incurred. If the commercial parking business previously included  
10 written notice of the late fee on any notice informing the customer  
11 of the specific parking charge due, such as on a parking notice, fee  
12 due envelope, ticket, or citation, then that written notice meets the  
13 requirement for this subsection (1)(a) and a second written notice of  
14 the late fee is not required under this subsection (1)(a).

15 (b) Notice of an incurred late fee must include the amount of the  
16 late fee, the date the parking charge was incurred, the date the late  
17 fee will be increased if payment is not received and the amount of  
18 the increase, the license number of the unauthorized vehicle, and the  
19 name and address of the commercial parking business.

20 (c) The commercial parking business must deliver notice of a late  
21 fee either by first-class mail, postage prepaid, leaving the notice  
22 on the vehicle at the time of the original fee due notice, directly  
23 handing the notice to the customer, or by delivery to the registered  
24 owner of the vehicle through any commercially reasonable means.

25 (2) Nothing in this section prohibits a commercial parking  
26 business or its agent from allowing more than thirty days for a  
27 parking customer to pay a reasonable parking charge prior to  
28 assessing a late fee or a collection agency fee. Nothing in this  
29 section prohibits a commercial parking business or its agent from  
30 discounting any parking charges for payment within a specified time  
31 frame, or from notifying a parking customer that any parking charges  
32 will be discounted if paid within such time frame.

33 NEW SECTION. **Sec. 4.** A parking customer who engages in  
34 unauthorized parking is liable to the commercial parking business for  
35 a parking charge if notice of the amount of the parking charge is  
36 provided to such customer. If a parking charge for unauthorized  
37 parking is to be charged in an amount other than the posted parking  
38 charge that would be charged for the actual time the vehicle remains

1 parked, then the amount of the parking charge must be stated on a  
2 sign or signs visible to customers that are conspicuously posted at  
3 the entrance to the commercial parking lot. In addition, written  
4 notice of the amount of the parking charge, however calculated, and  
5 the date or dates of the unauthorized parking, the license number of  
6 the unauthorized vehicle, and the name and address of the commercial  
7 parking business must be provided by any of the following means:

8 (1) By affixing the notice to the windshield of the vehicle, or  
9 otherwise conspicuously affixing it to the vehicle, while the vehicle  
10 is still parked at the commercial parking lot or by directly handing  
11 the notice to the customer on the commercial parking lot;

12 (2) By mailing the notice via first-class mail, postage prepaid,  
13 to the registered owner of the vehicle within the later of fifteen  
14 days after the effective date of this section or fifteen days after  
15 the date the unauthorized parking occurred; or

16 (3) By delivering the notice to the registered owner of the  
17 vehicle through any commercially reasonable means within the later of  
18 fifteen days after the effective date of this section or fifteen days  
19 after the date the unauthorized parking occurred.

20 NEW SECTION. **Sec. 5.** The registered owner of an unauthorized  
21 vehicle in a commercial parking lot is presumed to be liable for  
22 parking charges. It is an affirmative defense of the registered  
23 owner, provable by clear and convincing evidence, that the person who  
24 parked the vehicle at the commercial parking lot was not authorized,  
25 either actually or impliedly, by the registered owner to use or drive  
26 the vehicle. Any notice provided under this chapter to the registered  
27 owner of an unauthorized vehicle is conclusively presumed to have  
28 been provided to every parking customer responsible for the parking  
29 charges associated with the unauthorized vehicle.

30 NEW SECTION. **Sec. 6.** (1) Nothing in this chapter precludes the  
31 right to commence action in a court under chapter 12.40 RCW for small  
32 claims.

33 (2) This chapter applies to all parking charges owing on or after  
34 the effective date of this section.

35 NEW SECTION. **Sec. 7.** Sections 1 through 6 of this act  
36 constitute a new chapter in Title 19 RCW."

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1        On page 1, line 2 of the title, after "customers;" strike the  
2 remainder of the title and insert "and adding a new chapter to Title  
3 19 RCW."

EFFECT: State agencies are excluded from the definition of commercial parking business; the letter size on signs is subject to municipal requirements rather than in being 2 inches high; time periods and limits on amounts of late fees are removed; notice of late fees may be provided by additional methods; limits on the amounts of and the term "reasonable" for unauthorized parking charges are removed; the sign for unauthorized parking charges must be on a sign visible to customers rather than be in letters 2 inches high; and notice of unauthorized parking charges may be handed to the customer on the lot.

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