

SSB 5652 - H COMM AMD
By Committee on Transportation

ADOPTED 04/17/2019

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

3 "Sec. 1. RCW 46.55.090 and 1995 c 360 s 4 are each amended to
4 read as follows:

5 (1) All vehicles impounded shall be taken to the nearest storage
6 location that has been inspected and is listed on the application
7 filed with the department.

8 (2) All vehicles and stored personal belongings shall be handled
9 and returned in substantially the same condition as they existed
10 before being towed.

11 (3) ~~((All))~~ For purposes of this subsection, "personal
12 belongings" means personal property and contents in ((the)) a
13 vehicle, with the exception of those items of personal property that
14 are registered or titled with the department((r)). For a period of
15 twenty days from impound, personal belongings shall be kept intact,
16 and shall be returned to the vehicle's owner or agent during normal
17 business hours upon request and presentation of a driver's license or
18 other sufficient identification. ((Personal belongings, with the
19 exception of those items of personal property that are registered or
20 titled with the department, shall not)) A vehicle's owner or agent
21 may retrieve personal belongings from the vehicle and request that
22 the registered tow truck operator store the personal belongings for a
23 period of thirty days from the date of signing a personal belongings
24 storage request form. If a personal belongings storage request form
25 is not submitted, personal belongings not claimed within twenty days
26 from the date of the impound are considered abandoned and may be
27 disposed of at the registered tow truck operator's discretion. If a
28 personal belongings storage request form is submitted to the
29 registered tow truck operator, personal belongings not claimed within
30 thirty days of the date the personal belongings storage request form
31 is submitted are considered abandoned and may be disposed of at the

1 registered tow truck operator's discretion. Abandoned personal
2 belongings may be sold at auction with the vehicle to fulfill a lien
3 against the vehicle. The department shall adopt rules prescribing the
4 content and format of the personal belongings storage request form.

5 ~~(4) ((All personal belongings, with the exception of those items~~
6 ~~of personal property that are registered or titled with the~~
7 ~~department, not claimed before the auction shall be turned over to~~
8 ~~the local law enforcement agency to which the initial notification of~~
9 ~~impoundment was given. Such personal belongings shall be disposed of~~
10 ~~pursuant to chapter 63.32 or 63.40 RCW.~~

11 ~~(5))~~ Tow truck drivers shall have a Washington state driver's
12 license endorsed for the appropriate classification under chapter
13 46.25 RCW or the equivalent issued by another state.

14 ~~((6))~~ (5) Any person who shows proof of ownership or written
15 authorization from the impounded vehicle's registered or legal owner
16 or the vehicle's insurer may view the vehicle without charge during
17 normal business hours.

18 **Sec. 2.** RCW 46.55.110 and 2017 c 43 s 1 are each amended to read
19 as follows:

20 (1) (a) When an unauthorized vehicle is impounded, the impounding
21 towing operator shall notify the legal and registered owners of the
22 impoundment of the unauthorized vehicle and the owners of any other
23 items of personal property registered or titled with the department.
24 The notification shall be sent by first-class mail within twenty-four
25 hours after the impoundment to the last known registered and legal
26 owners of the vehicle, and the owners of any other items of personal
27 property registered or titled with the department, as provided by the
28 law enforcement agency, and shall inform the owners of the identity
29 of the person or agency authorizing the impound.

30 (b) The notification shall include the name of the impounding tow
31 firm, its address, and telephone number. The notice shall also
32 include the location, time of the impound, and by whose authority the
33 vehicle was impounded. The notice shall also include the written
34 notice of the right of redemption and opportunity for a hearing to
35 contest the validity of the impoundment pursuant to RCW 46.55.120.

36 (c) The notification must include a notice that the registered
37 tow truck operator will store personal belongings found in the
38 vehicle at no cost if the vehicle's owner or agent is present to
39 retrieve the personal belongings from the vehicle and sign a personal

1 belongings storage request form before the date of auction. If the
2 vehicle's owner calls a registered tow truck operator to inquire
3 about the impounded vehicle, the registered tow truck operator shall
4 inform the owner of the owner's ability to retrieve any personal
5 belongings from the vehicle and to request the registered tow truck
6 operator to store the personal belongings by signing a personal
7 belongings storage request form before the date of auction.
8 Registered tow truck operators shall store personal belongings at no
9 cost for thirty days from the date the personal belongings are
10 removed from the vehicle by the owner and the vehicle's owner or
11 agent has signed a personal belongings storage request form.
12 Registered tow truck operators shall maintain a record of any signed
13 personal belongings storage request form.

14 (2) In addition, if a suspended license impound has been ordered,
15 the notice must state the length of the impound, the requirement of
16 the posting of a security deposit to ensure payment of the costs of
17 removal, towing, and storage, notification that if the security
18 deposit is not posted the vehicle will immediately be processed and
19 sold at auction as an abandoned vehicle, and the requirements set out
20 in RCW 46.55.120(1)(c) regarding the payment of the costs of removal,
21 towing, and storage as well as providing proof of satisfaction of any
22 penalties, fines, or forfeitures before redemption. The notice must
23 also state that the registered owner is ineligible to purchase the
24 vehicle at the abandoned vehicle auction, if held.

25 (3) In the case of an abandoned vehicle, or other item of
26 personal property registered or titled with the department, within
27 twenty-four hours after receiving information on the legal and
28 registered owners from the department through the abandoned vehicle
29 report, the tow truck operator shall send by first-class mail a
30 notice of custody and sale to the legal and registered owners and of
31 the penalties for the traffic infraction littering—abandoned vehicle.
32 The notice must include a notice that the registered tow truck
33 operator will store personal belongings found in the vehicle at no
34 cost if the vehicle's owner or agent is present to retrieve the
35 personal belongings from the vehicle and sign a personal belongings
36 storage request form before the date of auction. The tow truck
37 operator shall obtain a certificate of mailing from the United States
38 postal service when notice is mailed.

39 (4) If the date on which a notice required by subsection (3) of
40 this section is to be mailed falls upon a Saturday, Sunday, or a

1 postal holiday, the notice may be mailed on the next day that is
2 neither a Saturday, Sunday, nor a postal holiday.

3 (5) No notices need be sent to the legal or registered owners of
4 an impounded vehicle or other item of personal property registered or
5 titled with the department, if the vehicle or personal property has
6 been redeemed."

7 Correct the title.

EFFECT: The amendment makes the following changes:

(1) Removes the requirement that Registered Tow Truck Operators (RTTOs) must include a personal belongings storage request form when sending a vehicle owner a notice of impound.

(2) Removes the requirement that RTTOs must hold personal belongings found within an impounded vehicle for 30 days, or for 60 days if the personal belongings storage request form is submitted back to the RTTO by the vehicle owner.

(3) Requires RTTOs to notify vehicle owners of the option to remove personal belongings from their vehicle before the date of auction and to request that RTTOs store the personal belongings for a period of up to 30 days at no cost from the date the personal belongings are removed from the vehicle by the owner and the owner signs a personal belongings storage request form. This notice must be included on the impound notice and the notice of custody and sale that are mailed to the vehicle owner, and the RTTOs are required to provide this information over the phone if the vehicle owner calls the RTTO.

(4) Requires RTTOs to store personal belongings for a period of up to 30 days at no cost if requested by the vehicle owner and the vehicle owner has removed the personal belongings from the vehicle before the date of auction.

(5) Changes the number of days personal belongings must be held before being classified as abandoned from 30 or 60 days (depending on if a storage request form is submitted), to 20 days from the date of impound or 30 days from the date the personal belongings are removed from the vehicle and the owner requests the belongings be stored by the RTTO.

(6) Requires RTTOs to maintain a record of any signed personal belongings storage request form.

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