
Transportation Committee

HB 1410

Brief Description: Concerning notice to active duty military owners of impounded vehicles.

Sponsors: Representatives Fey, Orcutt, Vick, Lovick, Leavitt and Ortiz-Self.

Brief Summary of Bill

- Requires the Department of Licensing to incorporate an active duty military status check into the vehicle owner information presented to a Registered Tow Truck Operator (RTTO) upon receiving an abandoned vehicle report from an RTTO.
- Prevents RTTOs from selling an abandoned vehicle, if the legal or registered owner shows an active duty military status, until criteria provided in the Servicemembers Civil Relief Act (SCRA) has been satisfied.
- Allows RTTOs to hold a vehicle for longer than 90 days without holding an auction if the vehicle is subject to the SCRA.

Hearing Date: 2/18/19

Staff: Patricia Hasan (786-7292).

Background:

Relevant Definitions.

- "Unauthorized vehicle" means a vehicle that is subject to impoundment after being left unattended in a specific area for a specific amount of time as prescribed by statute.
- "Impound" means to take and hold a vehicle in legal custody. There are two types of impounds—public and private.
- "Abandoned vehicle" means a vehicle that a Registered Tow Truck Operator (RTTO) has impounded and held in the operator's possession for 120 consecutive hours.
- "Abandoned vehicle report" means the document prescribed by the state that the RTTO forwards to the Department of Licensing (DOL) after a vehicle has become abandoned.

Abandoned Vehicles.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

A law enforcement officer who discovers an unauthorized vehicle left within a highway right-of-way must attach to the vehicle a notification sticker that contains:

- the date and time the sticker was attached;
- the identity of the officer;
- a statement that if the vehicle is not removed within 24 hours from the time the sticker is attached, the vehicle may be taken into custody and stored at the owner's expense;
- a statement that if the vehicle is not redeemed, the registered owner will have committed the traffic infraction of Littering—Abandoned Vehicle; and
- the address and telephone number where additional information may be obtained.

If the unauthorized vehicle is not removed within 24 hours from the time the notification sticker is attached, the law enforcement officer may take custody of the vehicle and provide for the vehicle's removal to a place of safety.

The Washington State Patrol (WSP), under its authority to remove vehicles from the highway, may remove the vehicles directly, through RTTOs appointed by the WSP, or through other contracts with RTTOs. The RTTOs may apply to the WSP for the appointment to assist with requests from law enforcement to remove unauthorized vehicles from roadways. For unauthorized vehicles not removed from the roadway within the 24-hour period, law enforcement officers call RTTOs on a rotational basis to provide impoundment services for the vehicles. A "place of safety" includes the business location of an RTTO.

At the time of impoundment of a vehicle, the RTTO providing the service must give immediate notification to a law enforcement agency having jurisdiction who shall maintain a log of such reports. The law enforcement agency shall within six to 12 hours of the impoundment, provide to the RTTO the name and address of the legal and registered owners of the vehicle, the vehicle identification number, and any other necessary and pertinent information. The RTTO then must notify the legal and registered owner of the impoundment of the unauthorized vehicle within 24 hours after the impoundment occurs.

If the impounded vehicle is held for longer than 120 consecutive hours, it becomes an abandoned vehicle, and the RTTO must immediately send an abandoned vehicle report to the DOL. The DOL must then provide the RTTO with the vehicle owner information within 72 hours. The RTTO then must, within 24 hours, send a notice of custody and sale to the legal and registered owners and the penalties for the traffic infraction of Littering—Abandoned Vehicle.

If, after 15 days from the mailing of the notice of custody and sale, the vehicle remains unclaimed, the RTTO having custody of the vehicle shall conduct a sale of the vehicle at a public auction after having first published a notice of the date, place, and time of the auction. An abandoned vehicle need not be sold at auction if it is listed as a stolen vehicle, if a suspended license impound has been directed but no commercially reasonable tender has been paid, or if the abandoned vehicle is a motorcycle or moped and the registered owner is an admitted patient in a hospital as evidenced by a declaration authorized by the DOL. An RTTO may not hold a vehicle longer than 90 days without holding an auction on the vehicle, except for vehicles that are under a police or judicial hold.

Servicemembers Civil Relief Act.

The Servicemembers Civil Relief Act (SCRA) provides servicemembers relief from certain civil obligations and temporarily suspends judicial and administrative proceedings and transactions involving civil liabilities when military service materially affects the ability of a servicemember to meet or attend to civil matters. The SCRA applies to all full-time active duty members of the five military branches (Army, Navy, Air Force, Marine Corps, and Coast Guard), reservists on federal active duty, members of the National Guard on federal orders for a period of more than 30 days, and commissioned officers of the Public Health Service or the National Oceanic and Atmospheric Administration.

The SCRA generally provides:

- protection from default judgments;
- suspension of judicial and administrative hearings of civil (not criminal) suits against servicemembers;
- limitations for individuals seeking to enforce civil liabilities of members concerning leases, installment contracts, mortgages, and liens; and
- preservation of members' rights with regard to suspension of life insurance premiums, public land rights, taxes, and business obligations.

The SCRA requires a lienholder to obtain a court order before enforcing any provisions of a lien on personal property belonging to a servicemember who is covered by the SCRA.

Summary of Bill:

In the case of an abandoned vehicle, the DOL must provide the RTTO with the vehicle owner information, which includes an active duty military status check, within 72 hours of receiving the abandoned vehicle report from the RTTO. If the legal or registered owner shows an active duty military status, as provided by the DOL, then the RTTO shall not sell the vehicle at auction until a court order has been obtained as required by the SCRA. An RTTO is authorized to hold a vehicle longer than 90 days without holding an auction on the vehicle if the vehicle is subject to the provisions of the SCRA.

Appropriation: None.

Fiscal Note: Available.

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