

HOUSE BILL REPORT

SSB 5652

As Passed House - Amended:

April 17, 2019

Title: An act relating to personal belongings disposal.

Brief Description: Clarifying personal belongings disposal for impounded vehicles.

Sponsors: Senate Committee on Transportation (originally sponsored by Senators Fortunato, Rivers, Becker, Hawkins, Brown, Hobbs, Warnick, Honeyford, Wilson, L., Short and Palumbo).

Brief History:

Committee Activity:

Transportation: 3/20/19, 4/8/19 [DPA].

Floor Activity:

Passed House - Amended: 4/17/19, 98-0.

Brief Summary of Substitute Bill (As Amended by House)

- Creates a personal belongings storage request form that must be available for a vehicle owner to sign and submit to a registered tow truck operator (RTTO) if the vehicle owner requests the RTTO to store personal belongings removed from an impounded vehicle.
- Requires the notice of impound and the notice of custody and sale that are sent to the owner of the impounded or abandoned vehicle to include a notice that the vehicle owner may retrieve personal belongings from the vehicle and may request that the RTTO store the belongings at no cost for a period of 30 days from the date of signing a personal belongings storage request form.
- Requires the RTTOs to leave belongings found within an impounded vehicle for 20 days from the date of impound if a vehicle owner does not retrieve the belongings and request the RTTO store the items.
- Requires the RTTOs to store belongings for 30 days from the date the personal belongings storage request form is signed if the belongings are removed from the vehicle by the owner and the owner signs and submits a personal belongings storage request form.

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.

- Provides that personal belongings not claimed before the date of auction of the abandoned vehicle or not claimed after the 30-day storage period are considered abandoned and may be disposed of at the discretion of the RTTO.
- Allows the RTTOs to sell abandoned personal belongings with the vehicle at auction.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass as amended. Signed by 31 members: Representatives Fey, Chair; Slatter, 2nd Vice Chair; Valdez, 2nd Vice Chair; Wylie, 1st Vice Chair; Barkis, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Young, Assistant Ranking Minority Member; Boehnke, Chambers, Chapman, Dent, Doglio, Dufault, Entenman, Eslick, Goehner, Gregerson, Irwin, Kloba, Lovick, McCaslin, Mead, Orcutt, Ortiz-Self, Paul, Pellicciotti, Ramos, Riccelli, Shea, Shewmake and Van Werven.

Staff: Patricia Hasan (786-7292).

Background:

Impounds, meaning taking and holding a vehicle in legal custody without the consent of the owner, may only be performed by a registered tow truck operator (RTTO). If on public property, the impound is at the direction of a law enforcement officer; when on private property, the impound is at the direction of the property owner or the property owner's agent.

When a vehicle is impounded, the RTTO must send an impound notice within 24 hours to the legal and registered owner(s) via first-class mail, based on information received from law enforcement.

After a vehicle is held in impound for more than 120 hours, it is considered abandoned, and the RTTO must file an abandoned vehicle report (AVR) with the Department of Licensing (DOL). In response to the AVR, the DOL provides information to the RTTO regarding the legal and registered owner(s) of the vehicle. The RTTO must send, by first-class mail, a "notice of custody and sale" to the owner. If the vehicle remains unclaimed for 15 days after the mailing of the notice of custody and sale, the RTTO must conduct a sale at public auction. The RTTO may not hold the vehicle for longer than 90 days, except in the case of a law enforcement or judicial hold.

Vehicles may be redeemed by their legal owners any time before the start of the auction, after paying towing and storage charges.

Personal property in an impounded vehicle must be kept intact, and returned to the vehicle's owner during normal business hours upon request and presentation of proper identification. Personal property may not be sold at auction to fulfill a lien against the vehicle. For law enforcement-directed impounds, personal property that is not claimed prior to the auction must be turned over to the local law enforcement agency from which the initial notification

of impoundment was given. Personal property must be disposed of by a police or sheriff's office pursuant to unclaimed property laws.

Summary of Amended Bill:

When a vehicle is impounded, the vehicle owner is allowed to retrieve personal belongings from the impounded vehicle and request that the impounding RTTO store the personal belongings for a period of 30 days from the date of signing a personal belongings storage request form. The DOL must adopt a rule specifying the form and content of a personal belongings storage request form.

If personal belongings have not been removed from the vehicle and a personal belongings storage request form is not submitted before the date of auction, personal belongings are considered abandoned and the RTTO may dispose of the belongings at its discretion. If the personal belongings are removed from the vehicle by the owner and the vehicle owner signs and submits a personal belongings storage request form, the RTTO must store the personal belongings at no cost for 30 days from the date the form is signed. Any belongings that are not redeemed after 30 days are considered abandoned and can be disposed of at the RTTO's discretion. Abandoned personal belongings may be sold at auction with the vehicle to satisfy the towing and storage lien. The RTTOs must maintain a record of any signed personal belongings storage request form.

The notice of impound sent within 24 hours of the vehicle impoundment and the notice of custody and sale that is sent to the vehicle owner after the vehicle is classified as abandoned must include a notice that the RTTO will store personal belongings found in the vehicle at no cost if the vehicle's owner or agent is present to retrieve the personal belongings from the vehicle and sign a personal belongings storage request form before the date of auction. The RTTO must provide this same information over the phone if the vehicle's owner calls to inquire about the impounded vehicle.

The RTTOs are no longer required to give personal belongings from an auctioned vehicle to the local law enforcement agency that originally directed the impound.

Appropriation: None.

Fiscal Note: Not requested.

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

Staff Summary of Public Testimony:

(In support) The RTTOs that impound vehicles have to deal with the belongings inside the vehicle as well. Vehicles are sometimes full of garbage, and the RTTOs do not want to be the responsible party for removing items that are considered private property from within a vehicle. Additionally, when the RTTOs bring these personal items to the law enforcement agency that directed the impound, as required in law, the law enforcement agency does not accept the items. The outcome is that towing companies have storage boxes full of personal

items that owners do not claim, and under current law, the RTTOs are unable to dispose of these items. Owners of the personal items do not have to pay towing or storage fees in order to claim their personal items.

(Opposed) None.

(Other) The RTTOs get calls from state and local police departments to impound vehicles that are abandoned on public roadways, and the RTTOs do not get paid for this service. The RTTOs take the vehicles back to their yards and have to send out notices to the vehicle owners. If a vehicle is not picked up, the RTTO is required by law to auction off the vehicle. The money received from the sale of the vehicle can be used to satisfy the towing lien on the vehicle, but the money collected is rarely enough to cover the full lien. The towing industry may not want to continue this service to the state if on top of not getting paid they are also stuck with boxes of unclaimed personal belongings that law enforcement will not take and the RTTOs are unable to sell with the vehicle at auction.

The current version of the bill is unworkable and too complicated. The RTTOs would like to be able to sell a vehicle at auction in the same way it was impounded, including the items inside, so that the RTTO employees are not put in harm's way by removing items of concern. The RTTOs prefer to have vehicle owners retrieve their belongings. There is a misconception that items found in the vehicle add value to the vehicle at auction, but this is untrue. The original version of the bill is the preferred policy option.

Persons Testifying: (In support) Senator Fortunato, prime sponsor.

(Other) Chester Baldwin, Towing and Recovery Association of Washington; Kris Zachary, Burns Towing; and Paul Brassi, Nisqually Towing.

Persons Signed In To Testify But Not Testifying: None.