
SUBSTITUTE HOUSE BILL 1653

State of Washington

69th Legislature

2025 Regular Session

By House Transportation (originally sponsored by Representatives Donaghy, Barkis, Low, Parshley, Ramel, Obras, Kloba, Shavers, Fosse, Berg, Taylor, Eslick, Ormsby, Gregerson, and Simmons)

READ FIRST TIME 02/14/25.

1 AN ACT Relating to payments to tow truck operators for the
2 release of vehicles to indigent citizens; amending RCW 46.55.115 and
3 46.55.120; adding a new section to chapter 46.55 RCW; and providing
4 an effective date.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 46.55
7 RCW to read as follows:

8 (1) The department shall create a program to compensate
9 registered tow truck operators for private property impounds or
10 impounds performed at the direction of law enforcement to apply when
11 the owner of the vehicle is indigent, except when the vehicle has
12 been impounded after the vehicle owner has been arrested by a law
13 enforcement officer.

14 (2) An individual seeking the release of a vehicle under this
15 program must:

16 (a) Be the legal or registered owner of the vehicle;

17 (b) Be indigent;

18 (c) Either not have the ability to pay for the towing service or
19 when making such payment would be a severe hardship;

20 (d) Not have applied for the release of a vehicle under this
21 program more than once in the preceding year; and

1 (e) Fill out and certify the first part of the form described in
2 subsection (4)(a) of this section and submit it to the registered tow
3 truck operator.

4 (3) A registered tow truck operator may seek payment for impounds
5 ordered by a law enforcement agency for vehicles owned by individuals
6 meeting the requirements of subsection (2) of this section when the
7 impound was not ordered following an arrest. The registered tow truck
8 operator applying for payment must fill out the second part of the
9 form described in subsection (4)(b) of this section and must submit
10 the completed form to the department.

11 (4) The department shall provide a form to registered tow truck
12 operators that consists of two parts.

13 (a) The first part of the form is to be completed by individuals
14 seeking the release of a vehicle and must include a requirement that
15 individuals self-certify under penalty of perjury that they meet the
16 requirements of the program and acknowledge that they understand that
17 the department may verify or audit the information and that perjury
18 is a criminal offense.

19 (b)(i) The second part of the form is to be completed by
20 registered tow truck operators and must include a requirement that
21 registered tow truck operators self-certify under penalty of perjury
22 that they have verified that:

23 (A) The impound was a private property impound or ordered by a
24 law enforcement agency;

25 (B) The impound was not ordered following an arrest;

26 (C) The individual seeking the release of a vehicle is the owner
27 of the vehicle registered or titled with the department; and

28 (ii) The registered tow truck operators must acknowledge that
29 they understand that the department may verify or audit the
30 information and that perjury is a criminal offense.

31 (5)(a) Subject to availability of funds, the department shall
32 disburse excess funds deposited under RCW 46.55.130(2)(h) that are no
33 longer subject to payment for a valid claim under RCW 46.55.130(2)(h)
34 in an amount equal to the cost of the towing, storage, or other
35 services incurred by the registered tow truck operators during the
36 course of the private property impound or law enforcement directed
37 impound to the eligible registered tow truck operators following
38 submission of the form by the registered tow truck operator.
39 Eligibility for payment under this section does not constitute an
40 entitlement for payment. If eligible applications for payment exceed

1 the funds available, the department must create and maintain a
2 waitlist in the order the forms are received pursuant to this
3 section. The department is not civilly or criminally liable and no
4 penalty or cause of action may be brought against it regarding the
5 provision or lack of provision of funds.

6 (b) After consulting with appropriate stakeholders, the
7 department must develop rules establishing maximum rates of
8 reimbursement for towing, storage, and other services, under this
9 subsection. The department shall convene a stakeholder work group
10 every two years, with the first meeting to be held within 12 months
11 of rule adoption, to make recommendations on amendments to these
12 rules.

13 (6) The department shall provide an annual report to the
14 appropriate committees of the legislature by October 1st of each
15 year. The annual report must include the total number of law
16 enforcement directed tows not following an arrest, the number of
17 vehicles released under this program, the number of applicants who
18 received payment under this program, the total funds provided to
19 applicants, the number of applicants on the waitlist who did not
20 receive grants, the total amount of grants unpaid due to lack of
21 funds, and the number of ineligible applicants and the reasons for
22 ineligibility.

23 (7) A registered tow truck operator who releases the vehicle
24 under this section does not have a lien or deficiency claim on the
25 released vehicle.

26 (8) When an impounding tow truck operator sends notification to
27 the legal and registered owners of a vehicle regarding the
28 impoundment of it as required under RCW 46.55.110 and the vehicle may
29 be eligible under this program, the impounding tow truck operator
30 must include information in the notification about the program
31 established in this section for the release of vehicles to indigent
32 persons.

33 (9) The registered tow truck operator shall provide to each
34 person who seeks to redeem an impounded vehicle that may be eligible
35 under this program written notice, in a form and manner specified by
36 the department, of the release of vehicles to indigent individuals.
37 The notice must be accompanied by the form described in subsection
38 (4) of this section.

1 **Sec. 2.** RCW 46.55.115 and 1993 c 121 s 2 are each amended to
2 read as follows:

3 The Washington state patrol, under its authority to remove
4 vehicles from the highway, may remove the vehicles directly, through
5 towing operators appointed by the state patrol and called on a
6 rotational or other basis, through contracts with towing operators,
7 or by a combination of these methods. When removal is to be
8 accomplished through a towing operator on a noncontractual basis, the
9 state patrol may appoint any towing operator for this purpose upon
10 the application of the operator. Each appointment shall be contingent
11 upon the submission of an application to the state patrol and the
12 making of subsequent reports in such form and frequency and
13 compliance with such standards of equipment, performance, pricing,
14 and practices as may be required by rule of the state patrol.

15 An appointment may be rescinded by the state patrol upon evidence
16 that the appointed towing operator is not complying with the laws or
17 rules relating to the removal and storage of vehicles from the
18 highway. The state patrol may not rescind an appointment merely
19 because a registered tow truck operator negotiates a different rate
20 for voluntary, owner-requested towing than for involuntary towing
21 under this chapter. The costs of removal and storage of vehicles
22 under this section shall be paid by the owner or driver of the
23 vehicle and shall be a lien upon the vehicle until paid, unless the
24 removal is determined to be invalid or the registered tow truck
25 operator releases the vehicle under the program established in
26 section 1 of this act.

27 Rules promulgated under this section shall be binding only upon
28 those towing operators appointed by the state patrol for the purpose
29 of performing towing services at the request of the Washington state
30 patrol. Any person aggrieved by a decision of the state patrol made
31 under this section may appeal the decision under chapter 34.05 RCW.

32 **Sec. 3.** RCW 46.55.120 and 2017 c 152 s 1 are each amended to
33 read as follows:

34 (1)(a) Vehicles or other items of personal property registered or
35 titled with the department that are impounded by registered tow truck
36 operators pursuant to RCW 46.55.080, 46.55.085, 46.55.113, or
37 9A.88.140 may be redeemed only by the following persons or entities:

- 38 (i) The legal owner;
39 (ii) The registered owner;

1 (iii) A person authorized in writing by the registered owner;

2 (iv) The vehicle's insurer or a vendor working on behalf of the
3 vehicle's insurer;

4 (v) A third-party insurer that has a duty to repair or replace
5 the vehicle, has obtained consent from the registered owner or the
6 owner's agent to move the vehicle, and has documented that consent in
7 the insurer's claim file, or a vendor working on behalf of a third-
8 party insurer that has received such consent; provided, however, that
9 at all times the registered owner must be granted access to and may
10 reclaim possession of the vehicle. For the purposes of this
11 subsection, "owner's agent" means the legal owner of the vehicle, a
12 driver in possession of the vehicle with the registered owner's
13 permission, or an adult member of the registered owner's family;

14 (vi) A person who is determined and verified by the operator to
15 have the permission of the registered owner of the vehicle or other
16 item of personal property registered or titled with the department;

17 (vii) A person who has purchased a vehicle or item of personal
18 property registered or titled with the department from the registered
19 owner who produces proof of ownership or written authorization and
20 signs a receipt therefor; or

21 (viii) If (a) (i) through (vii) of this subsection do not apply, a
22 person, who is known to the registered or legal owner of a motorcycle
23 or moped, as each are defined in chapter 46.04 RCW, that was towed
24 from the scene of an accident, may redeem the motorcycle or moped as
25 a bailment in accordance with RCW 46.55.125 while the registered or
26 legal owner is admitted as a patient in a hospital due to the
27 accident.

28 (b) In addition, a vehicle impounded because the operator is in
29 violation of RCW 46.20.342(1)(c) shall not be released until a person
30 eligible to redeem it under (a) of this subsection satisfies the
31 requirements of (f) of this subsection, including paying all towing,
32 removal, and storage fees, notwithstanding the fact that the hold was
33 ordered by a government agency. If the department's records show that
34 the operator has been convicted of a violation of RCW 46.20.342 or a
35 similar local ordinance within the past five years, the vehicle may
36 be held for up to (~~thirty~~) 30 days at the written direction of the
37 agency ordering the vehicle impounded. A vehicle impounded because
38 the operator is arrested for a violation of RCW 46.20.342 may be
39 released only pursuant to a written order from the agency that
40 ordered the vehicle impounded or from the court having jurisdiction.

1 An agency shall issue a written order to release pursuant to a
2 provision of an applicable state agency rule or local ordinance
3 authorizing release on the basis of the following:

4 (i) Economic or personal hardship to the spouse of the operator,
5 taking into consideration public safety factors, including the
6 operator's criminal history and driving record; or

7 (ii) The owner of the vehicle was not the driver, the owner did
8 not know that the driver's license was suspended or revoked, and the
9 owner has not received a prior release under this subsection or RCW
10 46.55.113(3).

11 In order to avoid discriminatory application, other than for the
12 reasons for release set forth in (b)(i) and (ii) of this subsection,
13 an agency shall, under a provision of an applicable state agency rule
14 or local ordinance, deny release in all other circumstances without
15 discretion.

16 If a vehicle is impounded because the operator is in violation of
17 RCW 46.20.342(1) (a) or (b), the vehicle may be held for up to
18 (~~thirty~~) 30 days at the written direction of the agency ordering
19 the vehicle impounded. However, if the department's records show that
20 the operator has been convicted of a violation of RCW 46.20.342(1)
21 (a) or (b) or a similar local ordinance within the past five years,
22 the vehicle may be held at the written direction of the agency
23 ordering the vehicle impounded for up to (~~sixty~~) 60 days, and for
24 up to (~~ninety~~) 90 days if the operator has two or more such prior
25 offenses. If a vehicle is impounded because the operator is arrested
26 for a violation of RCW 46.20.342, the vehicle may not be released
27 until a person eligible to redeem it under (a) of this subsection
28 satisfies the requirements of (f) of this subsection, including
29 paying all towing, removal, and storage fees, notwithstanding the
30 fact that the hold was ordered by a government agency.

31 (c) If the vehicle is directed to be held for a suspended license
32 impound, a person who desires to redeem the vehicle at the end of the
33 period of impound shall within five days of the impound at the
34 request of the tow truck operator pay a security deposit to the tow
35 truck operator of not more than one-half of the applicable impound
36 storage rate for each day of the proposed suspended license impound.
37 The tow truck operator shall credit this amount against the final
38 bill for removal, towing, and storage upon redemption. The tow truck
39 operator may accept other sufficient security in lieu of the security
40 deposit. If the person desiring to redeem the vehicle does not pay

1 the security deposit or provide other security acceptable to the tow
2 truck operator, the tow truck operator may process and sell at
3 auction the vehicle as an abandoned vehicle within the normal time
4 limits set out in RCW 46.55.130(1). The security deposit required by
5 this section may be paid and must be accepted at any time up to
6 (~~twenty-four~~) 24 hours before the beginning of the auction to sell
7 the vehicle as abandoned. The registered owner is not eligible to
8 purchase the vehicle at the auction, and the tow truck operator shall
9 sell the vehicle to the highest bidder who is not the registered
10 owner.

11 (d) Notwithstanding (c) of this subsection, a rental car business
12 may immediately redeem a rental vehicle it owns by payment of the
13 costs of removal, towing, and storage, whereupon the vehicle will not
14 be held for a suspended license impound.

15 (e) Notwithstanding (c) of this subsection, a motor vehicle
16 dealer or lender with a perfected security interest in the vehicle
17 may redeem or lawfully repossess a vehicle immediately by payment of
18 the costs of removal, towing, and storage, whereupon the vehicle will
19 not be held for a suspended license impound. A motor vehicle dealer
20 or lender with a perfected security interest in the vehicle may not
21 knowingly and intentionally engage in collusion with a registered
22 owner to repossess and then return or resell a vehicle to the
23 registered owner in an attempt to avoid a suspended license impound.
24 However, this provision does not preclude a vehicle dealer or a
25 lender with a perfected security interest in the vehicle from
26 repossessing the vehicle and then selling, leasing, or otherwise
27 disposing of it in accordance with chapter 62A.9A RCW, including
28 providing redemption rights to the debtor under RCW 62A.9A-623. If
29 the debtor is the registered owner of the vehicle, the debtor's right
30 to redeem the vehicle under chapter 62A.9A RCW is conditioned upon
31 the debtor obtaining and providing proof from the impounding
32 authority or court having jurisdiction that any fines, penalties, and
33 forfeitures owed by the registered owner, as a result of the
34 suspended license impound, have been paid, and proof of the payment
35 must be tendered to the vehicle dealer or lender at the time the
36 debtor tenders all other obligations required to redeem the vehicle.
37 Vehicle dealers or lenders are not liable for damages if they rely in
38 good faith on an order from the impounding agency or a court in
39 releasing a vehicle held under a suspended license impound.

1 (f) The vehicle or other item of personal property registered or
2 titled with the department shall be released upon the presentation to
3 any person having custody of the vehicle of commercially reasonable
4 tender sufficient to cover the costs of towing, storage, or other
5 services rendered during the course of towing, removing, impounding,
6 or storing any such vehicle, with credit being given for the amount
7 of any security deposit paid under (c) of this subsection.
8 Alternatively, a vehicle must be released when the registered tow
9 truck operator completes the form described in section 1(4)(a) of
10 this act provided that the first part is completed by an individual
11 seeking the release of a vehicle. In addition, if a vehicle is
12 impounded because the operator was arrested for a violation of RCW
13 46.20.342 or 46.20.345 and was being operated by the registered owner
14 when it was impounded under local ordinance or agency rule, it must
15 not be released to any person until the registered owner establishes
16 with the agency that ordered the vehicle impounded or the court
17 having jurisdiction that any penalties, fines, or forfeitures owed by
18 him or her have been satisfied. Registered tow truck operators are
19 not liable for damages if they rely in good faith on an order from
20 the impounding agency or a court in releasing a vehicle held under a
21 suspended license impound. Commercially reasonable tender shall
22 include, without limitation, cash, major bank credit cards issued by
23 financial institutions, or personal checks drawn on Washington state
24 branches of financial institutions if accompanied by two pieces of
25 valid identification, one of which may be required by the operator to
26 have a photograph. If the towing firm cannot determine through the
27 customer's bank or a check verification service that the presented
28 check would be paid by the bank or guaranteed by the service, the
29 towing firm may refuse to accept the check. Any person who stops
30 payment on a personal check or credit card, or does not make
31 restitution within (~~ten~~) 10 days from the date a check becomes
32 insufficient due to lack of funds, to a towing firm that has provided
33 a service pursuant to this section or in any other manner defrauds
34 the towing firm in connection with services rendered pursuant to this
35 section shall be liable for damages in the amount of twice the towing
36 and storage fees, plus costs and reasonable attorney's fees.

37 (2)(a) The registered tow truck operator shall give to each
38 person who seeks to redeem an impounded vehicle, or item of personal
39 property registered or titled with the department, written notice of
40 the right of redemption and opportunity for a hearing, which notice

1 shall be accompanied by a form to be used for requesting a hearing,
2 the name of the person or agency authorizing the impound, and a copy
3 of the towing and storage invoice. The registered tow truck operator
4 shall maintain a record evidenced by the redeeming person's signature
5 that such notification was provided.

6 (b) Any person seeking to redeem an impounded vehicle under this
7 section has a right to a hearing in the district or municipal court
8 for the jurisdiction in which the vehicle was impounded to contest
9 the validity of the impoundment or the amount of towing and storage
10 charges. The district court has jurisdiction to determine the issues
11 involving all impoundments including those authorized by the state or
12 its agents. The municipal court has jurisdiction to determine the
13 issues involving impoundments authorized by agents of the
14 municipality. Any request for a hearing shall be made in writing on
15 the form provided for that purpose and must be received by the
16 appropriate court within (~~ten~~) 10 days of the date the opportunity
17 was provided for in (a) of this subsection and more than five days
18 before the date of the auction. At the time of the filing of the
19 hearing request, the petitioner shall pay to the court clerk a filing
20 fee in the same amount required for the filing of a suit in district
21 court. If the hearing request is not received by the court within the
22 (~~ten-day~~) 10-day period, the right to a hearing is waived and the
23 registered owner is liable for any towing, storage, or other
24 impoundment charges permitted under this chapter. Upon receipt of a
25 timely hearing request, the court shall proceed to hear and determine
26 the validity of the impoundment.

27 (3)(a) The court, within five days after the request for a
28 hearing, shall notify the registered tow truck operator, the person
29 requesting the hearing if not the owner, the registered and legal
30 owners of the vehicle or other item of personal property registered
31 or titled with the department, and the person or agency authorizing
32 the impound in writing of the hearing date and time.

33 (b) At the hearing, the person or persons requesting the hearing
34 may produce any relevant evidence to show that the impoundment,
35 towing, or storage fees charged were not proper. The court may
36 consider a written report made under oath by the officer who
37 authorized the impoundment in lieu of the officer's personal
38 appearance at the hearing.

39 (c) At the conclusion of the hearing, the court shall determine
40 whether the impoundment was proper, whether the towing or storage

1 fees charged were in compliance with the posted rates, and who is
2 responsible for payment of the fees. The court may not adjust fees or
3 charges that are in compliance with the posted or contracted rates.

4 (d) If the impoundment is found proper, the impoundment, towing,
5 and storage fees as permitted under this chapter together with court
6 costs shall be assessed against the person or persons requesting the
7 hearing, unless the operator did not have a signed and valid
8 impoundment authorization from a private property owner or an
9 authorized agent.

10 (e) If the impoundment is determined to be in violation of this
11 chapter, then the registered and legal owners of the vehicle or other
12 item of personal property registered or titled with the department
13 shall bear no impoundment, towing, or storage fees, and any security
14 shall be returned or discharged as appropriate, and the person or
15 agency who authorized the impoundment shall be liable for any towing,
16 storage, or other impoundment fees permitted under this chapter. The
17 court shall enter judgment in favor of the registered tow truck
18 operator against the person or agency authorizing the impound for the
19 impoundment, towing, and storage fees paid. In addition, the court
20 shall enter judgment in favor of the registered and legal owners of
21 the vehicle, or other item of personal property registered or titled
22 with the department, for the amount of the filing fee required by law
23 for the impound hearing petition as well as reasonable damages for
24 loss of the use of the vehicle during the time the same was impounded
25 against the person or agency authorizing the impound. However, if an
26 impoundment arising from an alleged violation of RCW 46.20.342 or
27 46.20.345 is determined to be in violation of this chapter, then the
28 law enforcement officer directing the impoundment and the government
29 employing the officer are not liable for damages if the officer
30 relied in good faith and without gross negligence on the records of
31 the department in ascertaining that the operator of the vehicle had a
32 suspended or revoked driver's license. If any judgment entered is not
33 paid within (~~fifteen~~) 15 days of notice in writing of its entry,
34 the court shall award reasonable attorneys' fees and costs against
35 the defendant in any action to enforce the judgment. Notice of entry
36 of judgment may be made by registered or certified mail, and proof of
37 mailing may be made by affidavit of the party mailing the notice.
38 Notice of the entry of the judgment shall read essentially as
39 follows:

1 TO:
2 YOU ARE HEREBY NOTIFIED JUDGMENT was entered against you in
3 the Court located at in the sum of
4 \$., in an action entitled, Case
5 No. YOU ARE FURTHER NOTIFIED that attorneys fees and
6 costs will be awarded against you under RCW . . . if the
7 judgment is not paid within 15 days of the date of this
8 notice.

9 DATED this day of, (year) . . .

10 Signature

11 Typed name and address
12 of party mailing notice

13 (4) Any impounded abandoned vehicle or item of personal property
14 registered or titled with the department that is not redeemed within
15 (~~fifteen~~) 15 days of mailing of the notice of custody and sale as
16 required by RCW 46.55.110(3) shall be sold at public auction in
17 accordance with all the provisions and subject to all the conditions
18 of RCW 46.55.130. A vehicle or item of personal property registered
19 or titled with the department may be redeemed at any time before the
20 start of the auction either upon (~~payment~~):

- 21 (a) Payment of the applicable towing and storage fees; or
- 22 (b) The completion of the form specified in section 1 of this
- 23 act.

24 NEW SECTION. **Sec. 4.** This act takes effect February 1, 2026.

--- END ---