

WAC 308-61-026 Definitions—Registered tow truck operator. (1)

"Affidavit of sale" - that document prescribed by the department and given to the successful bidder by the operator. The affidavit must state that the sale was conducted properly pursuant to chapter 46.55 RCW and must be notarized. The affidavit may be submitted to the department with an application for certificate of title or may be used as a title document by a licensed auto wrecker, hulk hauler or scrap processor.

(2) "Secure area" - a place of safety for vehicle storage and in an area completely enclosed by a fence of sufficient height and construction to prevent access by the general public, with a gate which can be locked. The fence must be at least six feet high with at least two strands of barbed wire along the top, for a total combined height of eight feet or more. Concertina wire may be substituted for the two strands of barbed wire. The fencing requirement may be waived by the department where, due to the topography or zoning, a fence would be impracticable and the storage area is secure without a fence. Storage within an enclosed building will be considered secure and does not require a waiver. When a licensee has operator registrations under more than one name and owns or leases a common secure area, the areas for each operator registration must be segregated by a six-foot fence which will not require barbed wire. When two or more operators with different ownership share a secured area, those respective areas must be segregated by an eight-foot fence as described above.

Wherever practicable secure storage areas will be located on improved property which is graded and illuminated at night for the safe keeping of stored vehicles.

(3) "Abandoned vehicle report" - is that document, prescribed by the department, by which the operator is to report to the department their possession of an abandoned vehicle.

(4) "Notice of custody and sale" - is that document, prescribed by the department, and sent by the operator to the registered owner, legal owner (lien holder), lessor and lessee giving notice of the amount of the operator's lien for services, place and time of public auction if the vehicle is not redeemed, and of the operator's right to seek a deficiency against the last registered owner.

(5) "Registered tow truck operator's business location" - is a location at which records and files necessary to conduct the business are kept, and where the operator can normally be contacted by the public.

[Statutory Authority: RCW 46.55.190. WSR 02-20-035, § 308-61-026, filed 9/24/02, effective 10/25/02; WSR 00-01-058, § 308-61-026, filed 12/10/99, effective 1/10/00. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140. WSR 93-08-076, § 308-61-026, filed 4/6/93, effective 5/7/93; WSR 88-06-025 (Order DLR 164), § 308-61-026, filed 2/25/88. Statutory Authority: Chapter 46.55 RCW. WSR 86-03-011 (Order DLR-088), § 308-61-026, filed 1/6/86.]