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**SENATE BILL 6777**

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**State of Washington**

**56th Legislature**

**2000 Regular Session**

**By Senator Swecker**

Read first time 01/26/2000. Referred to Committee on Transportation.

1 AN ACT Relating to impoundment of vehicles violating mandatory  
2 insurance laws; amending RCW 46.30.020, 46.55.010, 46.55.080,  
3 46.55.100, 46.55.110, and 46.55.113; and reenacting and amending RCW  
4 46.55.120.

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

6 **Sec. 1.** RCW 46.30.020 and 1991 sp.s. c 25 s 1 are each amended to  
7 read as follows:

8 (1)(a) No person may operate a motor vehicle subject to  
9 registration under chapter 46.16 RCW in this state unless the person is  
10 insured under a motor vehicle liability policy with liability limits of  
11 at least the amounts provided in RCW 46.29.090, is self-insured as  
12 provided in RCW 46.29.630, is covered by a certificate of deposit in  
13 conformance with RCW 46.29.550, or is covered by a liability bond of at  
14 least the amounts provided in RCW 46.29.090. Written proof of  
15 financial responsibility for motor vehicle operation must be provided  
16 on the request of a law enforcement officer in the format specified  
17 under RCW 46.30.030.

18 (b) A person who drives a motor vehicle that is required to be  
19 registered in another state that requires drivers and owners of

1 vehicles in that state to maintain insurance or financial  
2 responsibility shall, when requested by a law enforcement officer,  
3 provide evidence of financial responsibility or insurance as is  
4 required by the laws of the state in which the vehicle is registered.

5 (c) When asked to do so by a law enforcement officer, failure to  
6 display an insurance identification card as specified under RCW  
7 46.30.030 creates a presumption that the person does not have motor  
8 vehicle insurance.

9 (d) Failure to provide proof of motor vehicle insurance is a  
10 traffic infraction and is subject to penalties as set by the supreme  
11 court under RCW 46.63.110 or community service and the vehicle  
12 impoundment provisions of chapter 46.55 RCW.

13 (2) If a person cited for a violation of subsection (1) of this  
14 section appears in person before the court and provides written  
15 evidence that at the time the person was cited, he or she was in  
16 compliance with the financial responsibility requirements of subsection  
17 (1) of this section, the citation shall be dismissed. In lieu of  
18 personal appearance, a person cited for a violation of subsection (1)  
19 of this section may, before the date scheduled for the person's  
20 appearance before the court, submit by mail to the court written  
21 evidence that at the time the person was cited, he or she was in  
22 compliance with the financial responsibility requirements of subsection  
23 (1) of this section, in which case the citation shall be dismissed  
24 without cost, except that the court may assess court administrative  
25 costs of twenty-five dollars at the time of dismissal.

26 (3) The provisions of this chapter shall not govern:

27 (a) The operation of a motor vehicle registered under RCW  
28 46.16.305(1), governed by RCW 46.16.020, or registered with the  
29 Washington utilities and transportation commission as common or  
30 contract carriers; or

31 (b) The operation of a motorcycle as defined in RCW 46.04.330, a  
32 motor-driven cycle as defined in RCW 46.04.332, or a moped as defined  
33 in RCW 46.04.304.

34 (4) RCW 46.29.490 shall not be deemed to govern all motor vehicle  
35 liability policies required by this chapter but only those certified  
36 for the purposes stated in chapter 46.29 RCW.

37 **Sec. 2.** RCW 46.55.010 and 1999 c 398 s 2 are each amended to read  
38 as follows:

1 The definitions set forth in this section apply throughout this  
2 chapter:

3 (1) "Abandoned vehicle" means a vehicle that a registered tow truck  
4 operator has impounded and held in the operator's possession for one  
5 hundred twenty consecutive hours.

6 (2) "Abandoned vehicle report" means the document prescribed by the  
7 state that the towing operator forwards to the department after a  
8 vehicle has become abandoned.

9 (3) "Impound" means to take and hold a vehicle in legal custody.  
10 There are two types of impounds--public and private.

11 (a) "Public impound" means that the vehicle has been impounded at  
12 the direction of a law enforcement officer or by a public official  
13 having jurisdiction over the public property upon which the vehicle was  
14 located.

15 (b) "Private impound" means that the vehicle has been impounded at  
16 the direction of a person having control or possession of the private  
17 property upon which the vehicle was located.

18 (4) "Junk vehicle" means a vehicle certified under RCW 46.55.230 as  
19 meeting at least three of the following requirements:

20 (a) Is three years old or older;

21 (b) Is extensively damaged, such damage including but not limited  
22 to any of the following: A broken window or windshield, or missing  
23 wheels, tires, motor, or transmission;

24 (c) Is apparently inoperable;

25 (d) Has an approximate fair market value equal only to the  
26 approximate value of the scrap in it.

27 (5) "Mandatory insurance impound" means an impound ordered under  
28 RCW 46.55.113 because the operator was arrested for a violation of RCW  
29 46.30.020.

30 (6) "Master log" means the document or an electronic facsimile  
31 prescribed by the department and the Washington state patrol in which  
32 an operator records transactions involving impounded vehicles.

33 ~~((+6))~~ (7) "Registered tow truck operator" or "operator" means any  
34 person who engages in the impounding, transporting, or storage of  
35 unauthorized vehicles or the disposal of abandoned vehicles.

36 ~~((+7))~~ (8) "Residential property" means property that has no more  
37 than four living units located on it.



1 (1) If a vehicle is in violation of the time restrictions of RCW  
2 46.55.010(~~(13)~~), it may be impounded by a registered tow truck  
3 operator at the direction of a law enforcement officer or other public  
4 official with jurisdiction if the vehicle is on public property, or at  
5 the direction of the property owner or an agent if it is on private  
6 property. A law enforcement officer may also direct the impoundment of  
7 a vehicle pursuant to a writ or court order.

8 (2) The person requesting a private impound or a law enforcement  
9 officer or public official requesting a public impound shall provide a  
10 signed authorization for the impound at the time and place of the  
11 impound to the registered tow truck operator before the operator may  
12 proceed with the impound. A registered tow truck operator, employee,  
13 or his or her agent may not serve as an agent of a property owner for  
14 the purposes of signing an impound authorization or, independent of the  
15 property owner, identify a vehicle for impound.

16 (3) In the case of a private impound, the impound authorization  
17 shall include the following statement: "A person authorizing this  
18 impound, if the impound is found in violation of chapter 46.55 RCW, may  
19 be held liable for the costs incurred by the vehicle owner."

20 (4) A registered tow truck operator shall record and keep in the  
21 operator's files the date and time that a vehicle is put in the  
22 operator's custody and released. The operator shall make an entry into  
23 a master log regarding transactions relating to impounded vehicles.  
24 The operator shall make this master log available, upon request, to  
25 representatives of the department or the state patrol.

26 (5) A person who engages in or offers to engage in the activities  
27 of a registered tow truck operator may not be associated in any way  
28 with a person or business whose main activity is authorizing the  
29 impounding of vehicles.

30 **Sec. 4.** RCW 46.55.100 and 1999 c 398 s 5 are each amended to read  
31 as follows:

32 (1) At the time of impoundment the registered tow truck operator  
33 providing the towing service shall give immediate notification, by  
34 telephone or radio, to a law enforcement agency having jurisdiction who  
35 shall maintain a log of such reports. A law enforcement agency, or a  
36 private communication center acting on behalf of a law enforcement  
37 agency, shall within six to twelve hours of the impoundment, provide to  
38 a requesting operator the name and address of the legal and registered

1 owners of the vehicle, and the registered owner of any personal  
2 property registered or titled with the department that is attached to  
3 or contained in or on the impounded vehicle, the vehicle identification  
4 number, and any other necessary, pertinent information. The initial  
5 notice of impoundment shall be followed by a written or electronic  
6 facsimile notice within twenty-four hours. In the case of a vehicle  
7 from another state, time requirements of this subsection do not apply  
8 until the requesting law enforcement agency in this state receives the  
9 information.

10 (2) The operator shall immediately send an abandoned vehicle report  
11 to the department for any vehicle, and for any items of personal  
12 property registered or titled with the department, that are in the  
13 operator's possession after the one hundred twenty hour abandonment  
14 period. Such report need not be sent when the impoundment is pursuant  
15 to a writ, court order, or police hold that is not a suspended license  
16 impound. The owner notification and abandonment process shall be  
17 initiated by the registered tow truck operator immediately following  
18 notification by a court or law enforcement officer that the writ, court  
19 order, or police hold that is not a suspended license impound or a  
20 mandatory insurance impound is no longer in effect.

21 (3) Following the submittal of an abandoned vehicle report, the  
22 department shall provide the registered tow truck operator with owner  
23 information within seventy-two hours.

24 (4) Within fourteen days of the sale of an abandoned vehicle at  
25 public auction, the towing operator shall send a copy of the abandoned  
26 vehicle report showing the disposition of the abandoned vehicle and any  
27 other items of personal property registered or titled with the  
28 department to the crime information center of the Washington state  
29 patrol.

30 (5) If the operator sends an abandoned vehicle report to the  
31 department and the department finds no owner information, an operator  
32 may proceed with an inspection of the vehicle and any other items of  
33 personal property registered or titled with the department to determine  
34 whether owner identification is within the vehicle.

35 (6) If the operator finds no owner identification, the operator  
36 shall immediately notify the appropriate law enforcement agency, which  
37 shall search the vehicle and any other items of personal property  
38 registered or titled with the department for the vehicle identification  
39 number or other appropriate identification numbers and check the

1 necessary records to determine the vehicle's or other property's  
2 owners.

3 **Sec. 5.** RCW 46.55.110 and 1999 c 398 s 6 are each amended to read  
4 as follows:

5 (1) When an unauthorized vehicle is impounded, the impounding  
6 towing operator shall notify the legal and registered owners of the  
7 impoundment of the unauthorized vehicle and the owners of any other  
8 items of personal property registered or titled with the department.  
9 The notification shall be sent by first-class mail within twenty-four  
10 hours after the impoundment to the last known registered and legal  
11 owners of the vehicle, and the owners of any other items of personal  
12 property registered or titled with the department, as provided by the  
13 law enforcement agency, and shall inform the owners of the identity of  
14 the person or agency authorizing the impound. The notification shall  
15 include the name of the impounding tow firm, its address, and telephone  
16 number. The notice shall also include the location, time of the  
17 impound, and by whose authority the vehicle was impounded. The notice  
18 shall also include the written notice of the right of redemption and  
19 opportunity for a hearing to contest the validity of the impoundment  
20 pursuant to RCW 46.55.120.

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

33 (3) In the case of an abandoned vehicle, or other item of personal  
34 property registered or titled with the department, within twenty-four  
35 hours after receiving information on the owners from the department  
36 through the abandoned vehicle report, the tow truck operator shall send  
37 by certified mail, with return receipt requested, a notice of custody  
38 and sale to the legal and registered owners.

1 (4) If the date on which a notice required by subsection (3) of  
2 this section is to be mailed falls upon a Saturday, Sunday, or a postal  
3 holiday, the notice may be mailed on the next day that is neither a  
4 Saturday, Sunday, nor a postal holiday.

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

9 **Sec. 6.** RCW 46.55.113 and 1998 c 203 s 4 are each amended to read  
10 as follows:

11 Whenever the driver of a vehicle is arrested for a violation of RCW  
12 46.61.502 (~~(or)~~), 46.61.504 (~~(or of RCW)~~), 46.20.342 (~~(or 46.20.420)~~),  
13 46.20.345, or 46.30.020 the vehicle is subject to impoundment, pursuant  
14 to applicable local ordinance or state agency rule at the direction of  
15 a law enforcement officer. In addition, a police officer may take  
16 custody of a vehicle and provide for its prompt removal to a place of  
17 safety under any of the following circumstances:

18 (1) Whenever a police officer finds a vehicle standing upon the  
19 roadway in violation of any of the provisions of RCW 46.61.560, the  
20 officer may provide for the removal of the vehicle or require the  
21 driver or other person in charge of the vehicle to move the vehicle to  
22 a position off the roadway;

23 (2) Whenever a police officer finds a vehicle unattended upon a  
24 highway where the vehicle constitutes an obstruction to traffic or  
25 jeopardizes public safety;

26 (3) Whenever a police officer finds an unattended vehicle at the  
27 scene of an accident or when the driver of a vehicle involved in an  
28 accident is physically or mentally incapable of deciding upon steps to  
29 be taken to protect his or her property;

30 (4) Whenever the driver of a vehicle is arrested and taken into  
31 custody by a police officer;

32 (5) Whenever a police officer discovers a vehicle that the officer  
33 determines to be a stolen vehicle;

34 (6) Whenever a vehicle without a special license plate, card, or  
35 decal indicating that the vehicle is being used to transport a disabled  
36 person under RCW 46.16.381 is parked in a stall or space clearly and  
37 conspicuously marked under RCW 46.61.581 which space is provided on  
38 private property without charge or on public property;

1 (7) Upon determining that a person is operating a motor vehicle  
2 without a valid driver's license in violation of RCW 46.20.005 or with  
3 a license that has been expired for ninety days or more;

4 (8) Upon determining that a person is operating a motor vehicle  
5 without valid mandatory liability insurance in violation of RCW  
6 46.30.020.

7 Nothing in this section may derogate from the powers of police  
8 officers under the common law. For the purposes of this section, a  
9 place of safety may include the business location of a registered tow  
10 truck operator.

11 **Sec. 7.** RCW 46.55.120 and 1999 c 398 s 7 and 1999 c 327 s 5 are  
12 each reenacted and amended to read as follows:

13 (1) Vehicles or other items of personal property registered or  
14 titled with the department that are impounded by registered tow truck  
15 operators pursuant to RCW 46.55.080, 46.55.085, 46.55.113, or 9A.88.140  
16 may be redeemed only under the following circumstances:

17 (a) Only the legal owner, the registered owner, a person authorized  
18 in writing by the registered owner or the vehicle's insurer, a person  
19 who is determined and verified by the operator to have the permission  
20 of the registered owner of the vehicle or other item of personal  
21 property registered or titled with the department, or one who has  
22 purchased a vehicle or item of personal property registered or titled  
23 with the department from the registered owner who produces proof of  
24 ownership or written authorization and signs a receipt therefor, may  
25 redeem an impounded vehicle or items of personal property registered or  
26 titled with the department. In addition, a vehicle impounded because  
27 the operator is in violation of RCW 46.20.342(1)(c) or 46.30.020 shall  
28 not be released until a person eligible to redeem it under this  
29 subsection (1)(a) satisfies the requirements of (e) of this subsection,  
30 including paying all towing, removal, and storage fees, notwithstanding  
31 the fact that the hold was ordered by a government agency. If the  
32 department's records show that the operator has been convicted of a  
33 violation of RCW 46.20.342 or 46.30.020 or a similar local ordinance  
34 within the past five years, the vehicle may be held for up to thirty  
35 days at the written direction of the agency ordering the vehicle  
36 impounded. A vehicle impounded because the operator is arrested for a  
37 violation of RCW 46.20.342 or 46.30.020 may be released only pursuant  
38 to a written order from the agency that ordered the vehicle impounded

1 or from the court having jurisdiction. An agency may issue a written  
2 order to release pursuant to a provision of an applicable state agency  
3 rule or local ordinance authorizing release on the basis of economic or  
4 personal hardship to the spouse of the operator, taking into  
5 consideration public safety factors, including the operator's criminal  
6 history and driving record.

7 If a vehicle is impounded because the operator is in violation of  
8 RCW 46.20.342(1) (a) or (b) or 46.30.020, the vehicle may be held for  
9 up to thirty days at the written direction of the agency ordering the  
10 vehicle impounded. However, if the department's records show that the  
11 operator has been convicted of a violation of RCW 46.20.342(1) (a) or  
12 (b) or 46.30.020 or a similar local ordinance within the past five  
13 years, the vehicle may be held at the written direction of the agency  
14 ordering the vehicle impounded for up to sixty days, and for up to  
15 ninety days if the operator has two or more such prior offenses. If a  
16 vehicle is impounded because the operator is arrested for a violation  
17 of RCW 46.20.342 or 46.30.020, the vehicle may not be released until a  
18 person eligible to redeem it under this subsection (1)(a) satisfies the  
19 requirements of (e) of this subsection, including paying all towing,  
20 removal, and storage fees, notwithstanding the fact that the hold was  
21 ordered by a government agency.

22 (b) If the vehicle is directed to be held for a suspended license  
23 impound or a mandatory insurance impound, a person who desires to  
24 redeem the vehicle at the end of the period of impound shall within  
25 five days of the impound at the request of the tow truck operator pay  
26 a security deposit to the tow truck operator of not more than one-half  
27 of the applicable impound storage rate for each day of the proposed  
28 suspended license impound. The tow truck operator shall credit this  
29 amount against the final bill for removal, towing, and storage upon  
30 redemption. The tow truck operator may accept other sufficient  
31 security in lieu of the security deposit. If the person desiring to  
32 redeem the vehicle does not pay the security deposit or provide other  
33 security acceptable to the tow truck operator, the tow truck operator  
34 may process and sell at auction the vehicle as an abandoned vehicle  
35 within the normal time limits set out in RCW 46.55.130(1). The  
36 security deposit required by this section may be paid and must be  
37 accepted at any time up to twenty-four hours before the beginning of  
38 the auction to sell the vehicle as abandoned. The registered owner is  
39 not eligible to purchase the vehicle at the auction, and the tow truck

1 operator shall sell the vehicle to the highest bidder who is not the  
2 registered owner.

3 (c) Notwithstanding (b) of this subsection, a rental car business  
4 may immediately redeem a rental vehicle it owns by payment of the costs  
5 of removal, towing, and storage, whereupon the vehicle will not be held  
6 for a suspended license impound.

7 (d) Notwithstanding (b) of this subsection, a motor vehicle dealer  
8 or lender with a perfected security interest in the vehicle may redeem  
9 or lawfully repossess a vehicle immediately by payment of the costs of  
10 removal, towing, and storage, whereupon the vehicle will not be held  
11 for a suspended license impound. A motor vehicle dealer or lender with  
12 a perfected security interest in the vehicle may not knowingly and  
13 intentionally engage in collusion with a registered owner to repossess  
14 and then return or resell a vehicle to the registered owner in an  
15 attempt to avoid a suspended license impound. However, this provision  
16 does not preclude a vehicle dealer or a lender with a perfected  
17 security interest in the vehicle from repossessing the vehicle and then  
18 selling, leasing, or otherwise disposing of it in accordance with  
19 chapter 62A.9 RCW, including providing redemption rights to the debtor  
20 under RCW 62A.9-506. If the debtor is the registered owner of the  
21 vehicle, the debtor's right to redeem the vehicle under chapter 62A.9  
22 RCW is conditioned upon the debtor obtaining and providing proof from  
23 the impounding authority or court having jurisdiction that any fines,  
24 penalties, and forfeitures owed by the registered owner, as a result of  
25 the suspended license impound, have been paid, and proof of the payment  
26 must be tendered to the vehicle dealer or lender at the time the debtor  
27 tenders all other obligations required to redeem the vehicle. Vehicle  
28 dealers or lenders are not liable for damages if they rely in good  
29 faith on an order from the impounding agency or a court in releasing a  
30 vehicle held under a suspended license impound.

31 (e) The vehicle or other item of personal property registered or  
32 titled with the department shall be released upon the presentation to  
33 any person having custody of the vehicle of commercially reasonable  
34 tender sufficient to cover the costs of towing, storage, or other  
35 services rendered during the course of towing, removing, impounding, or  
36 storing any such vehicle, with credit being given for the amount of any  
37 security deposit paid under (b) of this subsection. In addition, if a  
38 vehicle is impounded because the operator was arrested for a violation  
39 of RCW 46.20.342 (~~(or 46.20.420)~~), 46.20.345, or 46.30.020 and was

1 being operated by the registered owner when it was impounded under  
2 local ordinance or agency rule, it must not be released to any person  
3 until the registered owner establishes with the agency that ordered the  
4 vehicle impounded or the court having jurisdiction that any penalties,  
5 fines, or forfeitures owed by him or her have been satisfied.  
6 Registered tow truck operators are not liable for damages if they rely  
7 in good faith on an order from the impounding agency or a court in  
8 releasing a vehicle held under a suspended license impound.  
9 Commercially reasonable tender shall include, without limitation, cash,  
10 major bank credit cards, or personal checks drawn on in-state banks if  
11 accompanied by two pieces of valid identification, one of which may be  
12 required by the operator to have a photograph. If the towing firm can  
13 determine through the customer's bank or a check verification service  
14 that the presented check would not be paid by the bank or guaranteed by  
15 the service, the towing firm may refuse to accept the check. Any  
16 person who stops payment on a personal check or credit card, or does  
17 not make restitution within ten days from the date a check becomes  
18 insufficient due to lack of funds, to a towing firm that has provided  
19 a service pursuant to this section or in any other manner defrauds the  
20 towing firm in connection with services rendered pursuant to this  
21 section shall be liable for damages in the amount of twice the towing  
22 and storage fees, plus costs and reasonable attorney's fees.

23 (2)(a) The registered tow truck operator shall give to each person  
24 who seeks to redeem an impounded vehicle, or item of personal property  
25 registered or titled with the department, written notice of the right  
26 of redemption and opportunity for a hearing, which notice shall be  
27 accompanied by a form to be used for requesting a hearing, the name of  
28 the person or agency authorizing the impound, and a copy of the towing  
29 and storage invoice. The registered tow truck operator shall maintain  
30 a record evidenced by the redeeming person's signature that such  
31 notification was provided.

32 (b) Any person seeking to redeem an impounded vehicle under this  
33 section has a right to a hearing in the district or municipal court for  
34 the jurisdiction in which the vehicle was impounded to contest the  
35 validity of the impoundment or the amount of towing and storage  
36 charges. The district court has jurisdiction to determine the issues  
37 involving all impoundments including those authorized by the state or  
38 its agents. The municipal court has jurisdiction to determine the  
39 issues involving impoundments authorized by agents of the municipality.

1 Any request for a hearing shall be made in writing on the form provided  
2 for that purpose and must be received by the appropriate court within  
3 ten days of the date the opportunity was provided for in subsection  
4 (2)(a) of this section and more than five days before the date of the  
5 auction. At the time of the filing of the hearing request, the  
6 petitioner shall pay to the court clerk a filing fee in the same amount  
7 required for the filing of a suit in district court. If the hearing  
8 request is not received by the court within the ten-day period, the  
9 right to a hearing is waived and the registered owner is liable for any  
10 towing, storage, or other impoundment charges permitted under this  
11 chapter. Upon receipt of a timely hearing request, the court shall  
12 proceed to hear and determine the validity of the impoundment.

13 (3)(a) The court, within five days after the request for a hearing,  
14 shall notify the registered tow truck operator, the person requesting  
15 the hearing if not the owner, the registered and legal owners of the  
16 vehicle or other item of personal property registered or titled with  
17 the department, and the person or agency authorizing the impound in  
18 writing of the hearing date and time.

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

25 (c) At the conclusion of the hearing, the court shall determine  
26 whether the impoundment was proper, whether the towing or storage fees  
27 charged were in compliance with the posted rates, and who is  
28 responsible for payment of the fees. The court may not adjust fees or  
29 charges that are in compliance with the posted or contracted rates.

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

36 (e) If the impoundment is determined to be in violation of this  
37 chapter, then the registered and legal owners of the vehicle or other  
38 item of personal property registered or titled with the department  
39 shall bear no impoundment, towing, or storage fees, and any security

1 shall be returned or discharged as appropriate, and the person or  
2 agency who authorized the impoundment shall be liable for any towing,  
3 storage, or other impoundment fees permitted under this chapter. The  
4 court shall enter judgment in favor of the registered tow truck  
5 operator against the person or agency authorizing the impound for the  
6 impoundment, towing, and storage fees paid. In addition, the court  
7 shall enter judgment in favor of the registered and legal owners of the  
8 vehicle, or other item of personal property registered or titled with  
9 the department, for the amount of the filing fee required by law for  
10 the impound hearing petition as well as reasonable damages for loss of  
11 the use of the vehicle during the time the same was impounded, for not  
12 less than fifty dollars per day, against the person or agency  
13 authorizing the impound. However, if an impoundment arising from an  
14 alleged violation of RCW 46.20.342 or (~~46.20.420~~) 46.20.345 is  
15 determined to be in violation of this chapter, then the law enforcement  
16 officer directing the impoundment and the government employing the  
17 officer are not liable for damages if the officer relied in good faith  
18 and without gross negligence on the records of the department in  
19 ascertaining that the operator of the vehicle had a suspended or  
20 revoked driver's license. If any judgment entered is not paid within  
21 fifteen days of notice in writing of its entry, the court shall award  
22 reasonable attorneys' fees and costs against the defendant in any  
23 action to enforce the judgment. Notice of entry of judgment may be  
24 made by registered or certified mail, and proof of mailing may be made  
25 by affidavit of the party mailing the notice. Notice of the entry of  
26 the judgment shall read essentially as follows:

27 TO: . . . . .  
28 YOU ARE HEREBY NOTIFIED JUDGMENT was entered against you in the  
29 . . . . . Court located at . . . . . in the sum of  
30 \$. . . . ., in an action entitled . . . . ., Case No.  
31 . . . . YOU ARE FURTHER NOTIFIED that attorneys fees and costs  
32 will be awarded against you under RCW . . . if the judgment is  
33 not paid within 15 days of the date of this notice.  
34 DATED this . . . . day of . . . . ., (year) . . .  
35 Signature . . . . .  
36 Typed name and address  
37 of party mailing notice

1 (4) Any impounded abandoned vehicle or item of personal property  
2 registered or titled with the department that is not redeemed within  
3 fifteen days of mailing of the notice of custody and sale as required  
4 by RCW 46.55.110(3) shall be sold at public auction in accordance with  
5 all the provisions and subject to all the conditions of RCW 46.55.130.  
6 A vehicle or item of personal property registered or titled with the  
7 department may be redeemed at any time before the start of the auction  
8 upon payment of the applicable towing and storage fees.

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