

**Recommended to adopt this statute by reference
to be compliant with state law**

**Chapter 46.55 RCW
TOWING AND IMPOUNDMENT**

Sections

- 46.55.010 Definitions.
- TOW TRUCK OPERATORS—REGISTRATION REQUIREMENTS
- 46.55.020 Registration required—Penalty.
- 46.55.025 Registration or insurance required—Penalty.
- 46.55.030 Application—Contents, bond, insurance, fee, certificate.
- 46.55.035 Prohibited acts—Penalty.
- 46.55.037 Compensation for private impounds.
- 46.55.040 Permit required—Inspections of equipment and facilities.
- 46.55.050 Classification of trucks—Marking requirements—Time and place of inspection—Penalty.
- 46.55.060 Business location—Requirements.
- 46.55.063 Fees, schedules, contracts, invoices.
- 46.55.065 License plate indicator tabs—Transporter business—Hulk hauler, scrap processor business—Wrecker business—Fees—Tab requirements.
- IMPOUNDING UNAUTHORIZED VEHICLES
- 46.55.070 Posting requirements—Exception.
- 46.55.075 Law enforcement impound—Required form, procedures.
- 46.55.080 Law enforcement, authorized regional transit authority representative, other public official impound, private impound—Master log—Certain associations restricted.
- 46.55.085 Law enforcement impound—Unauthorized vehicle in right-of-way.
- 46.55.090 Storage, return requirements—Vehicles, personal belongings—Combination endorsement for tow truck drivers—Viewing impounded vehicle.
- 46.55.100 Impound notice—Abandoned vehicle report—Owner information, liability—Disposition report.
- 46.55.105 Responsibility of registered owner—Buyer and seller remedies.
- 46.55.110 Notice to legal and registered owners.
- 46.55.113 Removal by police officer—Definition.
- 46.55.115 State patrol—Appointment of towing operators—Lien for costs—Appeal.
- 46.55.117 Impounds under RCW 64.44.050.
- 46.55.118 Rate, fee limitations for certain private impounds.
- REDEMPTION RIGHTS AND HEARING PROCEDURES
- 46.55.120 Redemption of vehicles—Sale of unredeemed property—Improper impoundment.
- 46.55.125 Redemption of motorcycle or moped as bailment while owner hospitalized due to accident—Requirements—Declaration form.
- 46.55.130 Notice requirements—Public auction—Accumulation of storage charges.
- 46.55.140 Operator's lien, deficiency claim, liability.
- RECORDS, INSPECTIONS, AND ENFORCEMENT
- 46.55.150 Vehicle transaction file.

- 46.55.160 Availability of records, equipment, and facilities for audit and inspection.
- 46.55.170 Complaints, where forwarded.
- 46.55.180 Presiding officer at licensing hearing.
- 46.55.190 Rules.
- 46.55.200 Penalties for certain acts or omissions.
- 46.55.210 Cease and desist order.
- 46.55.220 Refusal to issue license, grounds for.

JUNK VEHICLE DISPOSITION

- 46.55.230 Junk vehicles—Removal, disposal, sale—Penalties—Cleanup restitution payment.

LOCAL REGULATION

- 46.55.240 Local ordinances—Requirements.

VEHICLE IMMOBILIZATION

- 46.55.300 Vehicle immobilization.

IMPOUNDMENT AFTER ARREST FOR DRIVING UNDER THE INFLUENCE

- 46.55.360 Impoundment, when required—Law enforcement powers, duties, and liability immunity—Redemption, when, by whom—Operator liability immunity—Definition.
- 46.55.370 Law enforcement liability immunity—Reasonable suspicion.

ABANDONED RECREATIONAL VEHICLES

- 46.55.400 Transporting abandoned recreational vehicles—Record of delivery—Report—Liability.

MISCELLANEOUS

- 46.55.901 Headings not part of law—1985 c 377.
- 46.55.902 Effective date—1985 c 377.
- 46.55.910 Chapter not applicable to certain activities of department of transportation.

Removal of unattended vehicle from highway: RCW 46.61.590.

Riding in towed vehicles: RCW 46.61.625.

Safety chains for towing: RCW 46.37.495.

RCW 46.55.010 Definitions. The definitions set forth in this section apply throughout this chapter:

(1) "Abandoned vehicle" means a vehicle that a registered tow truck operator has impounded and held in the operator's possession for 120 consecutive hours.

(2) "Immobilize" means the use of a locking wheel boot that, when attached to the wheel of a vehicle, prevents the vehicle from moving without damage to the tire to which the locking wheel boot is attached.

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

(4) "Impound" means to take and hold a vehicle in legal custody. There are two types of impounds—public and private.

fifteen days after the receipt of notice. [1987 c 311 § 17; 1985 c 377 § 21.]

RCW 46.55.220 Refusal to issue license, grounds for. If an application for a license to conduct business as a registered tow truck operator is filed by any person whose license has previously been canceled for cause by the department, or if the department is of the opinion that the application is not filed in good faith or that the application is filed by some person as a subterfuge for the real person in interest whose license has previously been canceled for cause, the department, after a hearing, of which the applicant has been given twenty days' notice in writing and at which the applicant may appear in person or by counsel and present testimony, may refuse to issue such a person a license to conduct business as a registered tow truck operator. [1987 c 311 § 18; 1985 c 377 § 22.]

JUNK VEHICLE DISPOSITION

RCW 46.55.230 Junk vehicles—Removal, disposal, sale—Penalties—Cleanup restitution payment. (1) (a) Notwithstanding any other provision of law, any law enforcement officer having jurisdiction, or any employee or officer of a jurisdictional health department acting pursuant to RCW 70A.205.195, or any person authorized by the director shall inspect and may authorize the disposal of an abandoned junk vehicle. The person making the inspection shall record the make and vehicle identification number or license number of the vehicle if available, and shall also verify that the approximate value of the junk vehicle is equivalent only to the approximate value of the parts. (b) A tow truck operator may authorize the disposal of an abandoned junk vehicle if the vehicle has been abandoned two or more times, the registered ownership information has not changed since the first abandonment, and the registered owner is also the legal owner. (2) The law enforcement officer or department representative shall provide information on the vehicle's registered and legal owner to the landowner. (3) Upon receiving information on the vehicle's registered and legal owner, the landowner shall mail a notice to the registered and legal owners shown on the records of the department. The notification shall describe the redemption procedure and the right to arrange for the removal of the vehicle. (4) If the vehicle remains unclaimed more than fifteen days after the landowner has mailed notification to the registered and legal owner, the landowner may dispose of the vehicle or sign an affidavit of sale to be used as a title document. (5) If no information on the vehicle's registered and legal owner is found in the records of the department, the landowner may immediately dispose of the vehicle or sign an affidavit of sale to be used as a title document. (6) It is a gross misdemeanor for a person to abandon a junk vehicle on property. If a junk vehicle is abandoned, the vehicle's registered owner shall also pay a cleanup restitution payment equal to twice the costs incurred in the removal of the junk vehicle. The court shall distribute one-half of the restitution payment to the landowner

of the property upon which the junk vehicle is located, and one-half of the restitution payment to the law enforcement agency or jurisdictional health department investigating the incident.

(7) For the purposes of this section, the term "landowner" includes a legal owner of private property, a person with possession or control of private property, or a public official having jurisdiction over public property.

(8) A person complying in good faith with the requirements of this section is immune from any liability arising out of an action taken or omission made in the compliance. [2021 c 65 § 52; 2002 c 279 § 13; 2001 c 139 § 3; 2000 c 154 § 4; 1991 c 292 § 2; 1987 c 311 § 19; 1985 c 377 § 23.]

Explanatory statement—2021 c 65: See note following RCW 53.54.030.

Severability—2000 c 154: See note following RCW 70A.200.030.

LOCAL REGULATION

RCW 46.55.240 Local ordinances—Requirements. (1) A city, town, or county that adopts an ordinance or resolution concerning unauthorized, abandoned, or impounded vehicles shall include the applicable provisions of this chapter.

(a) A city, town, or county may, by ordinance, authorize other impound situations that may arise locally upon the public right-of-way or other publicly owned or controlled property.

(b) A city, town, or county ordinance shall contain language that establishes a written form of authorization to impound, which may include a law enforcement notice of infraction or citation, clearly denoting the agency's authorization to impound.

(c) A city, town, or county may, by ordinance, provide for release of an impounded vehicle by means of a promissory note in lieu of immediate payment, if at the time of redemption the legal or registered owner requests a hearing on the validity of the impoundment. If the municipal ordinance directs the release of an impounded vehicle before the payment of the impoundment charges, the municipality is responsible for the payment of those charges to the registered tow truck operator within thirty days of the hearing date.

(d) The hearing specified in RCW 46.55.120(2) and in this section may be conducted by an administrative hearings officer instead of in the district court. A decision made by an administrative hearing officer may be appealed to the district court for final judgment.

(2) A city, town, or county may adopt an ordinance establishing procedures for the abatement and removal as public nuisances of junk vehicles or parts thereof from private property. Costs of removal may be assessed against the registered owner of the vehicle if the identity of the owner can be determined, unless the owner in the transfer of ownership of the vehicle has complied with RCW 46.12.650, or the costs may be assessed against the owner of the property on which the vehicle is stored. A city, town, or county may also provide for the payment to the tow truck operator or wrecker as a part of a neighborhood revitalization program.

(3) Ordinances pertaining to public nuisances shall contain:

(a) A provision requiring notice to the last registered owner of record and the property owner of record that a hearing may be requested and that if no hearing is requested, the vehicle will be removed;

(b) A provision requiring that if a request for a hearing is received, a notice giving the time, location, and date of the hearing on the question of abatement and removal of the vehicle or part thereof as a public nuisance shall be mailed, by certified mail, with a five-day return receipt requested, to the owner of the land as shown on the last equalized assessment roll and to the last registered and legal owner of record unless the vehicle is in such condition that identification numbers are not available to determine ownership;

(c) A provision that the ordinance shall not apply to (i) a vehicle or part thereof that is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property or (ii) a vehicle or part thereof that is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler or licensed vehicle dealer and is fenced according to RCW 46.80.130;

(d) A provision that the owner of the land on which the vehicle is located may appear in person at the hearing or present a written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land, with his or her reasons for the denial. If it is determined at the hearing that the vehicle was placed on the land without the consent of the landowner and that he or she has not subsequently acquiesced in its presence, then the local agency shall not assess costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect the cost from the owner;

(e) A provision that after notice has been given of the intent of the city, town, or county to dispose of the vehicle and after a hearing, if requested, has been held, the vehicle or part thereof shall be removed at the request of a law enforcement officer with notice to the Washington state patrol and the department of licensing that the vehicle has been wrecked. The city, town, or county may operate such a disposal site when its governing body determines that commercial channels of disposition are not available or are inadequate, and it may make final disposition of such vehicles or parts, or may transfer such vehicle or parts to another governmental body provided such disposal shall be only as scrap.

(4) A registered disposer under contract to a city or county for the impounding of vehicles shall comply with any administrative regulations adopted by the city or county on the handling and disposing of vehicles. [2010 c 161 § 1122; 2010 c 8 § 9064; 1994 c 176 § 2; 1991 c 292 § 3; 1989 c 111 § 17; 1987 c 311 § 20; 1985 c 377 § 24.]

Reviser's note: This section was amended by 2010 c 8 § 9064 and by 2010 c 161 § 1122, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Effective date—Intent—Legislation to reconcile chapter 161, Laws of 2010 and other amendments made during the 2010 legislative session—2010 c 161: See notes following RCW 46.04.013.