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SENATE BILL 5524

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State of Washington

61st Legislature

2009 Regular Session

By Senators Rockefeller and Marr

Read first time 01/26/09. Referred to Committee on Transportation.

1 AN ACT Relating to vehicle impoundment notice requirements; and  
2 amending RCW 46.55.100, 46.55.110, 46.55.120, and 46.55.130.

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

4 **Sec. 1.** RCW 46.55.100 and 2002 c 279 s 9 are each amended to read  
5 as follows:

6 (1) At the time of impoundment the registered tow truck operator  
7 providing the towing service shall give immediate notification, by  
8 telephone or radio, to a law enforcement agency having jurisdiction who  
9 shall maintain a log of such reports. A law enforcement agency, or a  
10 private communication center acting on behalf of a law enforcement  
11 agency, shall within six to twelve hours of the impoundment, provide to  
12 a requesting operator the name (~~and~~), address, and telephone number  
13 of the legal and registered owners of the vehicle, and the registered  
14 owner of any personal property registered or titled with the department  
15 that is attached to or contained in or on the impounded vehicle, the  
16 vehicle identification number, and any other necessary, pertinent  
17 information. The initial notice of impoundment shall be followed by a  
18 written or electronic facsimile notice within twenty-four hours. In

1 the case of a vehicle from another state, time requirements of this  
2 subsection do not apply until the requesting law enforcement agency in  
3 this state receives the information.

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

15 (3) Following the submittal of an abandoned vehicle report, the  
16 department shall provide the registered tow truck operator with owner  
17 information, including name, address, and telephone number, within  
18 seventy-two hours.

19 (4) Within fourteen days of the sale of an abandoned vehicle at  
20 public auction, the towing operator shall send a copy of the abandoned  
21 vehicle report showing the disposition of the abandoned vehicle and any  
22 other items of personal property registered or titled with the  
23 department to the department. The vehicle buyer information sent to  
24 the department on the abandoned vehicle report relieves the previous  
25 owner of the vehicle from any civil or criminal liability for the  
26 operation of the vehicle from the date of sale thereafter and transfers  
27 full liability for the vehicle to the buyer. By January 1, 2003, the  
28 department shall create a system enabling tow truck operators the  
29 option of sending the portion of the abandoned vehicle report that  
30 contains the vehicle's buyer information to the department  
31 electronically.

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

37 (6) If the operator finds no owner identification, the operator  
38 shall immediately notify the appropriate law enforcement agency, which

1 shall search the vehicle and any other items of personal property  
2 registered or titled with the department for the vehicle identification  
3 number or other appropriate identification numbers and check the  
4 necessary records to determine the vehicle's or other property's  
5 owners.

6 **Sec. 2.** RCW 46.55.110 and 2002 c 279 s 11 are each amended to read  
7 as follows:

8 (1) When an unauthorized vehicle is impounded, the impounding  
9 towing operator shall notify the legal and registered owners of the  
10 impoundment of the unauthorized vehicle and the owners of any other  
11 items of personal property registered or titled with the department.  
12 The notification shall be sent by first-class mail within twenty-four  
13 hours after the impoundment to the last known registered and legal  
14 owners of the vehicle, and the owners of any other items of personal  
15 property registered or titled with the department, as provided by the  
16 law enforcement agency, and shall inform the owners of the identity of  
17 the person or agency authorizing the impound. The notification shall  
18 include the name of the impounding tow firm, its address, and telephone  
19 number. The notice shall also include the location, time of the  
20 impound, and by whose authority the vehicle was impounded. The notice  
21 shall also include the written notice of the right of redemption and  
22 opportunity for a hearing to contest the validity of the impoundment  
23 pursuant to RCW 46.55.120. If the notification is returned to the  
24 operator as undeliverable or returned to the sender for any other  
25 reason, the operator must make a good faith attempt to notify the legal  
26 and registered owners using the telephone number provided by the  
27 department. At a minimum, the operator must attempt to contact the  
28 owners during regular business hours at least three times during a  
29 forty-eight hour period and maintain a log of these attempts.

30 (2) In addition, if a suspended license impound has been ordered,  
31 the notice must state the length of the impound, the requirement of the  
32 posting of a security deposit to ensure payment of the costs of  
33 removal, towing, and storage, notification that if the security deposit  
34 is not posted the vehicle will immediately be processed and sold at  
35 auction as an abandoned vehicle, and the requirements set out in RCW  
36 46.55.120(1)(b) regarding the payment of the costs of removal, towing,  
37 and storage as well as providing proof of satisfaction of any

1 penalties, fines, or forfeitures before redemption. The notice must  
2 also state that the registered owner is ineligible to purchase the  
3 vehicle at the abandoned vehicle auction, if held.

4 (3) In the case of an abandoned vehicle, or other item of personal  
5 property registered or titled with the department, within twenty-four  
6 hours after receiving information on the owners from the department  
7 through the abandoned vehicle report, the tow truck operator shall send  
8 by certified mail, with return receipt requested, a notice of custody  
9 and sale to the legal and registered owners and of the penalties for  
10 the traffic infraction littering--abandoned vehicle. If the notice is  
11 returned to the operator as undeliverable or returned to the sender for  
12 any other reason, or the return receipt is not returned, the operator  
13 must make a good faith attempt to notify the legal and registered  
14 owners using the telephone number provided by the department. At a  
15 minimum, the operator must attempt to contact the owners during regular  
16 business hours at least three times during a forty-eight hour period  
17 and maintain a log of these attempts.

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

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

26 **Sec. 3.** RCW 46.55.120 and 2004 c 250 s 1 are each amended to read  
27 as follows:

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

32 (a) Only the legal owner, the registered owner, a person authorized  
33 in writing by the registered owner or the vehicle's insurer, a person  
34 who is determined and verified by the operator to have the permission  
35 of the registered owner of the vehicle or other item of personal  
36 property registered or titled with the department, or one who has  
37 purchased a vehicle or item of personal property registered or titled

1 with the department from the registered owner who produces proof of  
2 ownership or written authorization and signs a receipt therefor, may  
3 redeem an impounded vehicle or items of personal property registered or  
4 titled with the department. In addition, a vehicle impounded because  
5 the operator is in violation of RCW 46.20.342(1)(c) shall not be  
6 released until a person eligible to redeem it under this subsection  
7 (1)(a) satisfies the requirements of (e) of this subsection, including  
8 paying all towing, removal, and storage fees, notwithstanding the fact  
9 that the hold was ordered by a government agency. If the department's  
10 records show that the operator has been convicted of a violation of RCW  
11 46.20.342 or a similar local ordinance within the past five years, the  
12 vehicle may be held for up to thirty days at the written direction of  
13 the agency ordering the vehicle impounded. A vehicle impounded because  
14 the operator is arrested for a violation of RCW 46.20.342 may be  
15 released only pursuant to a written order from the agency that ordered  
16 the vehicle impounded or from the court having jurisdiction. An agency  
17 may issue a written order to release pursuant to a provision of an  
18 applicable state agency rule or local ordinance authorizing release on  
19 the basis of the following:

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

23 (ii) The owner of the vehicle was not the driver, the owner did not  
24 know that the driver's license was suspended or revoked, and the owner  
25 has not received a prior release under this subsection or RCW  
26 46.55.113(3).

27 In order to avoid discriminatory application, other than for the  
28 reasons for release set forth in (a)(i) and (ii) of this subsection, an  
29 agency shall, under a provision of an applicable state agency rule or  
30 local ordinance, deny release in all other circumstances without  
31 discretion.

32 If a vehicle is impounded because the operator is in violation of  
33 RCW 46.20.342(1) (a) or (b), the vehicle may be held for up to thirty  
34 days at the written direction of the agency ordering the vehicle  
35 impounded. However, if the department's records show that the operator  
36 has been convicted of a violation of RCW 46.20.342(1) (a) or (b) or a  
37 similar local ordinance within the past five years, the vehicle may be  
38 held at the written direction of the agency ordering the vehicle

1 impounded for up to sixty days, and for up to ninety days if the  
2 operator has two or more such prior offenses. If a vehicle is  
3 impounded because the operator is arrested for a violation of RCW  
4 46.20.342, the vehicle may not be released until a person eligible to  
5 redeem it under this subsection (1)(a) satisfies the requirements of  
6 (e) of this subsection, including paying all towing, removal, and  
7 storage fees, notwithstanding the fact that the hold was ordered by a  
8 government agency.

9 (b) If the vehicle is directed to be held for a suspended license  
10 impound, a person who desires to redeem the vehicle at the end of the  
11 period of impound shall within five days of the impound at the request  
12 of the tow truck operator pay a security deposit to the tow truck  
13 operator of not more than one-half of the applicable impound storage  
14 rate for each day of the proposed suspended license impound. The tow  
15 truck operator shall credit this amount against the final bill for  
16 removal, towing, and storage upon redemption. The tow truck operator  
17 may accept other sufficient security in lieu of the security deposit.  
18 If the person desiring to redeem the vehicle does not pay the security  
19 deposit or provide other security acceptable to the tow truck operator,  
20 the tow truck operator may process and sell at auction the vehicle as  
21 an abandoned vehicle within the normal time limits set out in RCW  
22 46.55.130(1). The security deposit required by this section may be  
23 paid and must be accepted at any time up to twenty-four hours before  
24 the beginning of the auction to sell the vehicle as abandoned. The  
25 registered owner is not eligible to purchase the vehicle at the  
26 auction, and the tow truck operator shall sell the vehicle to the  
27 highest bidder who is not the registered owner.

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

32 (d) Notwithstanding (b) of this subsection, a motor vehicle dealer  
33 or lender with a perfected security interest in the vehicle may redeem  
34 or lawfully repossess a vehicle immediately by payment of the costs of  
35 removal, towing, and storage, whereupon the vehicle will not be held  
36 for a suspended license impound. A motor vehicle dealer or lender with  
37 a perfected security interest in the vehicle may not knowingly and  
38 intentionally engage in collusion with a registered owner to repossess

1 and then return or resell a vehicle to the registered owner in an  
2 attempt to avoid a suspended license impound. However, this provision  
3 does not preclude a vehicle dealer or a lender with a perfected  
4 security interest in the vehicle from repossessing the vehicle and then  
5 selling, leasing, or otherwise disposing of it in accordance with  
6 chapter 62A.9A RCW, including providing redemption rights to the debtor  
7 under RCW 62A.9A-623. If the debtor is the registered owner of the  
8 vehicle, the debtor's right to redeem the vehicle under chapter 62A.9A  
9 RCW is conditioned upon the debtor obtaining and providing proof from  
10 the impounding authority or court having jurisdiction that any fines,  
11 penalties, and forfeitures owed by the registered owner, as a result of  
12 the suspended license impound, have been paid, and proof of the payment  
13 must be tendered to the vehicle dealer or lender at the time the debtor  
14 tenders all other obligations required to redeem the vehicle. Vehicle  
15 dealers or lenders are not liable for damages if they rely in good  
16 faith on an order from the impounding agency or a court in releasing a  
17 vehicle held under a suspended license impound.

18 (e) The vehicle or other item of personal property registered or  
19 titled with the department shall be released upon the presentation to  
20 any person having custody of the vehicle of commercially reasonable  
21 tender sufficient to cover the costs of towing, storage, or other  
22 services rendered during the course of towing, removing, impounding, or  
23 storing any such vehicle, with credit being given for the amount of any  
24 security deposit paid under (b) of this subsection. In addition, if a  
25 vehicle is impounded because the operator was arrested for a violation  
26 of RCW 46.20.342 or 46.20.345 and was being operated by the registered  
27 owner when it was impounded under local ordinance or agency rule, it  
28 must not be released to any person until the registered owner  
29 establishes with the agency that ordered the vehicle impounded or the  
30 court having jurisdiction that any penalties, fines, or forfeitures  
31 owed by him or her have been satisfied. Registered tow truck operators  
32 are not liable for damages if they rely in good faith on an order from  
33 the impounding agency or a court in releasing a vehicle held under a  
34 suspended license impound. Commercially reasonable tender shall  
35 include, without limitation, cash, major bank credit cards issued by  
36 financial institutions, or personal checks drawn on Washington state  
37 branches of financial institutions if accompanied by two pieces of  
38 valid identification, one of which may be required by the operator to

1 have a photograph. If the towing firm cannot determine through the  
2 customer's bank or a check verification service that the presented  
3 check would be paid by the bank or guaranteed by the service, the  
4 towing firm may refuse to accept the check. Any person who stops  
5 payment on a personal check or credit card, or does not make  
6 restitution within ten days from the date a check becomes insufficient  
7 due to lack of funds, to a towing firm that has provided a service  
8 pursuant to this section or in any other manner defrauds the towing  
9 firm in connection with services rendered pursuant to this section  
10 shall be liable for damages in the amount of twice the towing and  
11 storage fees, plus costs and reasonable attorney's fees.

12 (2)(a) The registered tow truck operator shall give to each person  
13 who seeks to redeem an impounded vehicle, or item of personal property  
14 registered or titled with the department, written notice of the right  
15 of redemption and opportunity for a hearing, which notice shall be  
16 accompanied by a form to be used for requesting a hearing, the name of  
17 the person or agency authorizing the impound, and a copy of the towing  
18 and storage invoice. The registered tow truck operator shall maintain  
19 a record evidenced by the redeeming person's signature that such  
20 notification was provided.

21 (b) Any person seeking to redeem an impounded vehicle under this  
22 section has a right to a hearing in the district or municipal court for  
23 the jurisdiction in which the vehicle was impounded to contest the  
24 validity of the impoundment or the amount of towing and storage  
25 charges. The district court has jurisdiction to determine the issues  
26 involving all impoundments including those authorized by the state or  
27 its agents. The municipal court has jurisdiction to determine the  
28 issues involving impoundments authorized by agents of the municipality.  
29 Any request for a hearing shall be made in writing on the form provided  
30 for that purpose and must be received by the appropriate court within  
31 ten days of the date the opportunity was provided for in subsection  
32 (2)(a) of this section and (~~more than five days~~) before the date of  
33 the auction. At the time of the filing of the hearing request, the  
34 petitioner shall pay to the court clerk a filing fee in the same amount  
35 required for the filing of a suit in district court. If the hearing  
36 request is not received by the court within the ten-day period, the  
37 right to a hearing is waived and the registered owner is liable for any



1 towing, storage, or other impoundment charges permitted under this  
2 chapter. Upon receipt of a timely hearing request, the court shall  
3 proceed to hear and determine the validity of the impoundment.

4 (3)(a) The court, within five days after the request for a hearing,  
5 shall notify the registered tow truck operator, the person requesting  
6 the hearing if not the owner, the registered and legal owners of the  
7 vehicle or other item of personal property registered or titled with  
8 the department, and the person or agency authorizing the impound in  
9 writing of the hearing date and time.

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

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

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

27 (e) If the impoundment is determined to be in violation of this  
28 chapter, then the registered and legal owners of the vehicle or other  
29 item of personal property registered or titled with the department  
30 shall bear no impoundment, towing, or storage fees, and any security  
31 shall be returned or discharged as appropriate, and the person or  
32 agency who authorized the impoundment shall be liable for any towing,  
33 storage, or other impoundment fees permitted under this chapter. The  
34 court shall enter judgment in favor of the registered tow truck  
35 operator against the person or agency authorizing the impound for the  
36 impoundment, towing, and storage fees paid. In addition, the court  
37 shall enter judgment in favor of the registered and legal owners of the  
38 vehicle, or other item of personal property registered or titled with

1 the department, for the amount of the filing fee required by law for  
2 the impound hearing petition as well as reasonable damages for loss of  
3 the use of the vehicle during the time the same was impounded against  
4 the person or agency authorizing the impound. However, if an  
5 impoundment arising from an alleged violation of RCW 46.20.342 or  
6 46.20.345 is determined to be in violation of this chapter, then the  
7 law enforcement officer directing the impoundment and the government  
8 employing the officer are not liable for damages if the officer relied  
9 in good faith and without gross negligence on the records of the  
10 department in ascertaining that the operator of the vehicle had a  
11 suspended or revoked driver's license. If any judgment entered is not  
12 paid within fifteen days of notice in writing of its entry, the court  
13 shall award reasonable attorneys' fees and costs against the defendant  
14 in any action to enforce the judgment. Notice of entry of judgment may  
15 be made by registered or certified mail, and proof of mailing may be  
16 made by affidavit of the party mailing the notice. Notice of the entry  
17 of the judgment shall read essentially as follows:

18 TO: . . . . .  
19 YOU ARE HEREBY NOTIFIED JUDGMENT was entered against you in the  
20 . . . . . Court located at . . . . . in the sum of  
21 \$. . . . ., in an action entitled . . . . ., Case No.  
22 . . . . . YOU ARE FURTHER NOTIFIED that attorneys fees and costs  
23 will be awarded against you under RCW . . . if the judgment is  
24 not paid within 15 days of the date of this notice.  
25 DATED this . . . . day of . . . . ., (year) . . .  
26 Signature . . . . .  
27 Typed name and address  
28 of party mailing notice

29 (4) Any impounded abandoned vehicle or item of personal property  
30 registered or titled with the department that is not redeemed within  
31 fifteen days of receipt of the return receipt from the certified  
32 mailing of the notice of custody and sale or within fifteen days of the  
33 operator's final attempt to contact the owner by telephone as required  
34 by RCW 46.55.110(3) shall be sold at public auction in accordance with  
35 all the provisions and subject to all the conditions of RCW 46.55.130.  
36 A vehicle or item of personal property registered or titled with the  
37 department may be redeemed at any time before the start of the auction  
38 upon payment of the applicable towing and storage fees.

1       **Sec. 4.** RCW 46.55.130 and 2006 c 28 s 1 are each amended to read  
2 as follows:

3       (1) If, after the expiration of fifteen days from either the date  
4 ~~((of))~~ the operator received the return receipt from the mailing of the  
5 notice of custody and sale or the date of the operator's final attempt  
6 to contact the owner by telephone as required in RCW 46.55.110(3) ~~((to~~  
7 ~~the registered and legal owners))~~, the vehicle remains unclaimed and  
8 has not been listed as a stolen vehicle, or a suspended license impound  
9 has been directed, but no security paid under RCW 46.55.120, then the  
10 registered tow truck operator having custody of the vehicle shall  
11 conduct a sale of the vehicle at public auction after having first  
12 published a notice of the date, place, and time of the auction, and a  
13 method to contact the tow truck operator conducting the auction such as  
14 a telephone number, electronic mail address, or web site, in a  
15 newspaper of general circulation in the county in which the vehicle is  
16 located not less than three days and no more than ten days before the  
17 date of the auction. For the purposes of this section, a newspaper of  
18 general circulation may be a commercial, widely circulated, free,  
19 classified advertisement circular not affiliated with the registered  
20 tow truck operator and the notice may be listed in a classification  
21 delineating "auctions" or similar language designed to attract  
22 potential bidders to the auction. The notice shall contain a  
23 notification that a public viewing period will be available before the  
24 auction and the length of the viewing period. The auction shall be  
25 held during daylight hours of a normal business day. The viewing  
26 period must be one hour if twenty-five or fewer vehicles are to be  
27 auctioned, two hours if more than twenty-five and fewer than fifty  
28 vehicles are to be auctioned, and three hours if fifty or more vehicles  
29 are to be auctioned.

30       (2) The following procedures are required in any public auction of  
31 such abandoned vehicles:

32       (a) The auction shall be held in such a manner that all persons  
33 present are given an equal time and opportunity to bid;

34       (b) All bidders must be present at the time of auction unless they  
35 have submitted to the registered tow truck operator, who may or may not  
36 choose to use the preauction bid method, a written bid on a specific  
37 vehicle. Written bids may be submitted up to five days before the

1 auction and shall clearly state which vehicle is being bid upon, the  
2 amount of the bid, and who is submitting the bid;

3 (c) The open bid process, including all written bids, shall be used  
4 so that everyone knows the dollar value that must be exceeded;

5 (d) The highest two bids received shall be recorded in written form  
6 and shall include the name, address, and telephone number of each such  
7 bidder;

8 (e) In case the high bidder defaults, the next bidder has the right  
9 to purchase the vehicle for the amount of his or her bid;

10 (f) The successful bidder shall apply for title within fifteen  
11 days;

12 (g) The registered tow truck operator shall post a copy of the  
13 auction procedure at the bidding site. If the bidding site is  
14 different from the licensed office location, the operator shall post a  
15 clearly visible sign at the office location that describes in detail  
16 where the auction will be held. At the bidding site a copy of the  
17 newspaper advertisement that lists the vehicles for sale shall be  
18 posted;

19 (h) All surplus moneys derived from the auction after satisfaction  
20 of the registered tow truck operator's lien shall be remitted within  
21 thirty days to the department for deposit in the state motor vehicle  
22 fund. A report identifying the vehicles resulting in any surplus shall  
23 accompany the remitted funds. If the director subsequently receives a  
24 valid claim from the registered vehicle owner of record as determined  
25 by the department within one year from the date of the auction, the  
26 surplus moneys shall be remitted to such owner;

27 (i) If an operator receives no bid, or if the operator is the  
28 successful bidder at auction, the operator shall, within forty-five  
29 days, sell the vehicle to a licensed vehicle wrecker, hulk hauler, or  
30 scrap processor by use of the abandoned vehicle report-affidavit of  
31 sale, or the operator shall apply for title to the vehicle.

32 (3) A tow truck operator may refuse to accept a bid at an abandoned  
33 vehicle auction under this section for any reason in the operator's  
34 posted operating procedures and for any of the following reasons: (a)  
35 The bidder is currently indebted to the operator; (b) the operator has  
36 knowledge that the bidder has previously abandoned vehicles purchased  
37 at auction; or (c) the bidder has purchased, at auction, more than four  
38 vehicles in the last calendar year without obtaining title to any or

1 all of the vehicles. In no case may an operator hold a vehicle for  
2 longer than ninety days without holding an auction on the vehicle,  
3 except for vehicles that are under a police or judicial hold.

4 (4)(a) In no case may the accumulation of storage charges exceed  
5 fifteen days from the date of receipt of the information by the  
6 operator from the department as provided by RCW 46.55.110(3).

7 (b) The failure of the registered tow truck operator to comply with  
8 the time limits provided in this chapter limits the accumulation of  
9 storage charges to five days except where delay is unavoidable.  
10 Providing incorrect or incomplete identifying information to the  
11 department in the abandoned vehicle report shall be considered a  
12 failure to comply with these time limits if correct information is  
13 available. However, storage charges begin to accrue again on the date  
14 the correct and complete information is provided to the department by  
15 the registered tow truck operator.

16 (5) The registered owner of a vehicle that has been sold at auction  
17 may bring a cause of action against and recover damages from the tow  
18 truck operator if the impoundment was improper or the operator failed  
19 to comply with the notice provisions required under RCW 46.55.110(3).  
20 A registered owner whose claim is successful is not liable for any  
21 towing, storage, or other charges.

--- END ---