
SUBSTITUTE SENATE BILL 5640

State of Washington 64th Legislature 2015 Regular Session

By Senate Transportation (originally sponsored by Senator Ericksen)

READ FIRST TIME 02/27/15.

1 AN ACT Relating to deficiency claims after auction of a private
2 property vehicle impound; and amending RCW 46.55.140.

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

4 **Sec. 1.** RCW 46.55.140 and 2010 c 161 s 1121 are each amended to
5 read as follows:

6 (1) A registered tow truck operator who has a valid and signed
7 impoundment authorization has a lien upon the impounded vehicle for
8 services provided in the towing and storage of the vehicle, unless
9 the impoundment is determined to have been invalid. The lien does not
10 apply to personal property in or upon the vehicle that is not
11 permanently attached to or is not an integral part of the vehicle
12 except for items of personal property registered or titled with the
13 department. The registered tow truck operator also has a deficiency
14 claim against the registered owner of the vehicle for services
15 provided in the towing and storage of the vehicle not to exceed the
16 sum of five hundred dollars after deduction of the amount bid at
17 auction, and for vehicles of over ten thousand pounds gross vehicle
18 weight, the operator has a deficiency claim of one thousand dollars
19 after deduction of the amount bid at auction, unless the impound is
20 determined to be invalid. The limitation on towing and storage
21 deficiency claims does not apply to: (a) An impound directed by a law

1 enforcement officer, and (b) an impound subject to the rate and fee
2 limitations under RCW 46.55.118. In no case may the cost of the
3 auction or a buyer's fee be added to the amount charged for the
4 vehicle at the auction, the vehicle's lien, or the overage due. A
5 registered owner who has completed and filed with the department the
6 report of sale as provided for in RCW 46.12.650 and has timely and
7 properly filed the report of sale is relieved of liability under this
8 section. The person named as the new owner of the vehicle on the
9 timely and properly filed report of sale shall assume liability under
10 this section.

11 (2) Any person who tows, removes, or otherwise disturbs any
12 vehicle parked, stalled, or otherwise left on privately owned or
13 controlled property, and any person owning or controlling the private
14 property, or either of them, are liable to the owner or operator of a
15 vehicle, or each of them, for consequential and incidental damages
16 arising from any interference with the ownership or use of the
17 vehicle which does not comply with the requirements of this chapter.

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