
HOUSE BILL 1660

State of Washington

68th Legislature

2023 Regular Session

By Representatives Christian, Riccelli, Hutchins, Schmidt, Couture,
Connors, and Sandlin

1 AN ACT Relating to setting a minimum bid for abandoned
2 recreational vehicles sold at auction; and amending RCW 46.55.130.

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

4 **Sec. 1.** RCW 46.55.130 and 2017 c 152 s 2 are each amended to
5 read as follows:

6 (1) If, after the expiration of (~~fifteen~~) 15 days from the date
7 of mailing of notice of custody and sale required in RCW 46.55.110(3)
8 to the registered and legal owners, the vehicle remains unclaimed and
9 has not been listed as a stolen vehicle, a suspended license impound
10 has been directed but no commercially reasonable tender has been paid
11 under RCW 46.55.120, or a person eligible to redeem under RCW
12 46.55.120(1)(a)(viii) has not come forth providing information that
13 the registered or legal owner of a motorcycle or moped is an admitted
14 patient in a hospital, the registered tow truck operator having
15 custody of the vehicle shall conduct a sale of the vehicle at public
16 auction after having first published a notice of the date, place, and
17 time of the auction, and a method to contact the tow truck operator
18 conducting the auction such as a telephone number, email address, or
19 website, in a newspaper of general circulation in the county in which
20 the vehicle is located not less than three days and no more than
21 (~~ten~~) 10 days before the date of the auction. For the purposes of

1 this section, a newspaper of general circulation may be a commercial,
2 widely circulated, free, classified advertisement circular not
3 affiliated with the registered tow truck operator and the notice may
4 be listed in a classification delineating "auctions" or similar
5 language designed to attract potential bidders to the auction. The
6 notice shall contain a notification that a public viewing period will
7 be available before the auction and the length of the viewing period.
8 The auction shall be held during daylight hours of a normal business
9 day. The viewing period must be one hour if (~~twenty-five~~) 25 or
10 fewer vehicles are to be auctioned, two hours if more than (~~twenty-~~
11 ~~five~~) 25 and fewer than (~~fifty~~) 50 vehicles are to be auctioned,
12 and three hours if (~~fifty~~) 50 or more vehicles are to be auctioned.
13 If the registered tow truck operator is notified that the registered
14 or legal owner of the moped or motorcycle is an admitted patient in
15 the hospital as evidenced by a declaration on a form authorized by
16 the department, the registered tow truck operator may delay the
17 auction of the moped or motorcycle for a reasonable time in a good
18 faith effort to provide additional time for the redemption of the
19 vehicle.

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

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

24 (b) All bidders must be present at the time of auction unless
25 they have submitted to the registered tow truck operator, who may or
26 may not choose to use the preauction bid method, a written bid on a
27 specific vehicle. Written bids may be submitted up to five days
28 before the auction and shall clearly state which vehicle is being bid
29 upon, the amount of the bid, and who is submitting the bid;

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

32 (d) If the vehicle being sold at auction is a recreational
33 vehicle meaning a camper, motor home, or travel trailer, then the
34 minimum starting bid shall be set at \$1,000 or the full amount of the
35 registered tow truck operator's lien on the vehicle on the date of
36 the auction, whichever is less;

37 (e) The highest two bids received shall be recorded in written
38 form and shall include the name, address, and telephone number of
39 each such bidder;

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

3 ~~((f))~~ (g) The successful bidder shall apply for title within
4 ~~((fifteen))~~ 15 days;

5 ~~((g))~~ (h) The registered tow truck operator shall post a copy
6 of the auction procedure at the bidding site. If the bidding site is
7 different from the licensed office location, the operator shall post
8 a clearly visible sign at the office location that describes in
9 detail where the auction will be held. At the bidding site a copy of
10 the newspaper advertisement that lists the vehicles for sale shall be
11 posted;

12 ~~((h))~~ (i) All surplus moneys derived from the auction after
13 satisfaction of the registered tow truck operator's lien shall be
14 remitted within ~~((thirty))~~ 30 days to the department for deposit in
15 the state motor vehicle fund. A report identifying the vehicles
16 resulting in any surplus shall accompany the remitted funds. If the
17 director subsequently receives a valid claim from the registered
18 vehicle owner of record as determined by the department within one
19 year from the date of the auction, the surplus moneys shall be
20 remitted to such owner;

21 ~~((i))~~ (j) If an operator receives no bid, or if the operator is
22 the successful bidder at auction, the operator shall, within ~~((forty-~~
23 ~~five))~~ 45 days, sell the vehicle to a licensed vehicle wrecker, hulk
24 hauler, or scrap processor by use of the abandoned vehicle report-
25 affidavit of sale, or the operator shall apply for title to the
26 vehicle.

27 (3) A tow truck operator may refuse to accept a bid at an
28 abandoned vehicle auction under this section for any reason in the
29 operator's posted operating procedures and for any of the following
30 reasons: (a) The bidder is currently indebted to the operator; (b)
31 the operator has knowledge that the bidder has previously abandoned
32 vehicles purchased at auction; or (c) the bidder has purchased, at
33 auction, more than four vehicles in the last calendar year without
34 obtaining title to any or all of the vehicles. In no case may an
35 operator hold a vehicle for longer than ~~((ninety))~~ 90 days without
36 holding an auction on the vehicle, except for vehicles that are under
37 a police or judicial hold.

38 (4) (a) The accumulation of storage charges applied to the lien at
39 auction under RCW 46.55.140 may not exceed ~~((fifteen))~~ 15 additional
40 days from the date of receipt of the information by the operator from

1 the department as provided by RCW 46.55.110(3) plus the storage
2 charges accumulated prior to the receipt of the information. However,
3 vehicles redeemed pursuant to RCW 46.55.120 prior to their sale at
4 auction are subject to payment of all accumulated storage charges
5 from the time of impoundment up to the time of redemption.

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

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