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**SUBSTITUTE SENATE BILL 5016**

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**State of Washington**

**65th Legislature**

**2017 Regular Session**

**By** Senate Transportation (originally sponsored by Senators Hobbs, Rivers, and Warnick)

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~~) eight hundred dollars after deduction of the amount  
17 bid at auction, and for vehicles of over ten thousand pounds gross  
18 vehicle weight, the operator has a deficiency claim of (~~one~~) two  
19 thousand two hundred fifty dollars after deduction of the amount bid  
20 at auction, unless the impound is determined to be invalid. The  
21 limitation on towing and storage deficiency claims does not apply to

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

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

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