
SENATE BILL 5038

State of Washington

64th Legislature

2015 Regular Session

By Senator O'Ban

Prefiled 01/05/15.

1 AN ACT Relating to waiving liability for service members for
2 certain towing costs and penalties under certain circumstances;
3 amending RCW 46.55.105; and providing an effective date.

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

5 **Sec. 1.** RCW 46.55.105 and 2010 c 161 s 1119 are each amended to
6 read as follows:

7 (1) The abandonment of any vehicle creates a prima facie
8 presumption that the last registered owner of record is responsible
9 for the abandonment and is liable for costs incurred in removing,
10 storing, and disposing of the abandoned vehicle, less amounts
11 realized at auction.

12 (2) If an unauthorized vehicle is found abandoned under
13 subsection (1) of this section and removed at the direction of law
14 enforcement, the last registered owner of record is guilty of the
15 traffic infraction of "littering—abandoned vehicle," unless the
16 vehicle is redeemed as provided in RCW 46.55.120. In addition to any
17 other monetary penalty payable under chapter 46.63 RCW, the court
18 shall not consider all monetary penalties as having been paid until
19 the court is satisfied that the person found to have committed the
20 infraction has made restitution in the amount of the deficiency
21 remaining after disposal of the vehicle under RCW 46.55.140.

1 (3) A vehicle theft report filed with a law enforcement agency
2 relieves the last registered owner of liability under subsection (2)
3 of this section for failure to redeem the vehicle. However, the last
4 registered owner remains liable for the costs incurred in removing,
5 storing, and disposing of the abandoned vehicle under subsection (1)
6 of this section. Nothing in this section limits in any way the
7 registered owner's rights in a civil action or as restitution in a
8 criminal action against a person responsible for the theft of the
9 vehicle.

10 (4) The last registered owner is relieved of any liability under
11 subsections (1) and (2) of this section if the last registered owner
12 files a vehicle theft report with a law enforcement agency for a
13 theft that occurred while the last registered owner was a service
14 member under a call to active service authorized by the president of
15 the United States or the secretary of defense of the United States
16 for a period of more than thirty consecutive days or under a call to
17 service authorized by the governor under RCW 38.08.040 for a period
18 of more than thirty consecutive days.

19 (5) Properly filing a report of sale or transfer regarding the
20 vehicle involved in accordance with RCW 46.12.650 (1) through (3)
21 relieves the last registered owner of liability under subsections (1)
22 and (2) of this section. If the date of sale as indicated on the
23 report of sale is on or before the date of impoundment, the buyer
24 identified on the latest properly filed report of sale with the
25 department is assumed liable for the costs incurred in removing,
26 storing, and disposing of the abandoned vehicle, less amounts
27 realized at auction. If the date of sale is after the date of
28 impoundment, the previous registered owner is assumed to be liable
29 for such costs. A licensed vehicle dealer is not liable under
30 subsections (1) and (2) of this section if the dealer, as transferee
31 or assignee of the last registered owner of the vehicle involved, has
32 complied with the requirements of RCW 46.70.122 upon selling or
33 otherwise disposing of the vehicle, or if the dealer has timely filed
34 a transitional ownership record or report of sale under RCW
35 46.12.660. In that case the person to whom the licensed vehicle
36 dealer has sold or transferred the vehicle is assumed liable for the
37 costs incurred in removing, storing, and disposing of the abandoned
38 vehicle, less amounts realized at auction.

39 ((+5)) (6) For the purposes of reporting notices of traffic
40 infraction to the department under RCW 46.20.270 and 46.52.101, and

1 for purposes of reporting notices of failure to appear, respond, or
2 comply regarding a notice of traffic infraction to the department
3 under RCW 46.63.070(6), a traffic infraction under subsection (2) of
4 this section is not considered to be a standing, stopping, or parking
5 violation.

6 ~~((6))~~ (7) A notice of infraction for a violation of this
7 section may be filed with a court of limited jurisdiction organized
8 under Title 3, 35, or 35A RCW, or with a violations bureau subject to
9 the court's jurisdiction.

10 NEW SECTION. **Sec. 2.** This act takes effect January 1, 2016.

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