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**HOUSE BILL 1653**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** Representatives Donaghy, Barkis, Low, Parshley, Ramel, Obras, Kloba, Shavers, Fosse, Berg, and Taylor

1 AN ACT Relating to payments to tow truck operators for the  
2 release of vehicles to indigent citizens; amending RCW 46.55.115 and  
3 46.55.120; and adding a new section to chapter 46.55 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 46.55  
6 RCW to read as follows:

7 (1) The department shall create a program to compensate  
8 registered tow truck operators for private property impounds or  
9 impounds performed at the direction of law enforcement to apply when  
10 the owner of the vehicle is indigent, except when the vehicle has  
11 been impounded after the vehicle owner has been arrested by a law  
12 enforcement officer.

13 (2) An individual seeking the release of a vehicle under this  
14 program must:

15 (a) Be the legal or registered owner of the vehicle;

16 (b) Be indigent;

17 (c) Either not have the ability to pay for the towing service or  
18 when making such payment would be a severe hardship;

19 (d) Not have applied for the release of a vehicle under this  
20 program more than once in the preceding year; and

1 (e) Fill out and certify the first part of the form described in  
2 subsection (4)(a) of this section and submit it to the registered tow  
3 truck operator.

4 (3) A registered tow truck operator may seek payment for impounds  
5 ordered by a law enforcement agency for vehicles owned by individuals  
6 meeting the requirements of subsection (2) of this section when the  
7 impound was not ordered following an arrest. The registered tow truck  
8 operator applying for payment must fill out the second part of the  
9 form described in subsection (4)(b) of this section and must submit  
10 the completed form to the department.

11 (4) The department shall provide a form to registered tow truck  
12 operators that consists of two parts.

13 (a) The first part of the form is to be completed by individuals  
14 seeking the release of a vehicle and must include a requirement that  
15 individuals self-certify under penalty of perjury that they meet the  
16 requirements of the program and acknowledge that they understand that  
17 the department may verify or audit the information and that perjury  
18 is a criminal offense.

19 (b)(i) The second part of the form is to be completed by  
20 registered tow truck operators and must include a requirement that  
21 registered tow truck operators self-certify under penalty of perjury  
22 that they have verified that:

23 (A) The impound was a private property impound or ordered by a  
24 law enforcement agency;

25 (B) The impound was not ordered following an arrest;

26 (C) The individual seeking the release of a vehicle is the owner  
27 of the vehicle registered or titled with the department; and

28 (ii) The registered tow truck operators must acknowledge that  
29 they understand that the department may verify or audit the  
30 information and that perjury is a criminal offense.

31 (5) Subject to availability of funds, the department shall  
32 disburse excess funds deposited under RCW 46.55.130(2)(h) that are no  
33 longer subject to payment for a valid claim under RCW 46.55.130(2)(h)  
34 in an amount equal to the cost of the towing, storage, or other  
35 services incurred by the registered tow truck operators during the  
36 course of the private property impound or law enforcement directed  
37 impound to the eligible registered tow truck operators following  
38 submission of the form by the registered tow truck operator.  
39 Eligibility for payment under this section does not constitute an  
40 entitlement for payment. If eligible applications for payment exceed

1 the funds available, the department must create and maintain a  
2 waitlist in the order the forms are received pursuant to this  
3 section. The department is not civilly or criminally liable and no  
4 penalty or cause of action may be brought against it regarding the  
5 provision or lack of provision of funds.

6 (6) The department shall provide an annual report to the  
7 appropriate committees of the legislature by October 1st of each  
8 year. The annual report must include the total number of law  
9 enforcement directed tows not following an arrest, the number of  
10 vehicles released under this program, the number of applicants who  
11 received payment under this program, the total funds provided to  
12 applicants, the number of applicants on the waitlist who did not  
13 receive grants, the total amount of grants unpaid due to lack of  
14 funds, and the number of ineligible applicants and the reasons for  
15 ineligibility.

16 (7) A registered tow truck operator who releases the vehicle  
17 under this section does not have a lien or deficiency claim on the  
18 released vehicle.

19 (8) When an impounding tow truck operator sends notification to  
20 the legal and registered owners of a vehicle regarding the  
21 impoundment of it as required under RCW 46.55.110 and the vehicle may  
22 be eligible under this program, the impounding tow truck operator  
23 must include information in the notification about the program  
24 established in this section for the release of vehicles to indigent  
25 persons.

26 (9) The registered tow truck operator shall provide to each  
27 person who seeks to redeem an impounded vehicle that may be eligible  
28 under this program written notice, in a form and manner specified by  
29 the department, of the release of vehicles to indigent individuals.  
30 The notice must be accompanied by the form described in subsection  
31 (4) of this section.

32 **Sec. 2.** RCW 46.55.115 and 1993 c 121 s 2 are each amended to  
33 read as follows:

34 The Washington state patrol, under its authority to remove  
35 vehicles from the highway, may remove the vehicles directly, through  
36 towing operators appointed by the state patrol and called on a  
37 rotational or other basis, through contracts with towing operators,  
38 or by a combination of these methods. When removal is to be  
39 accomplished through a towing operator on a noncontractual basis, the

1 state patrol may appoint any towing operator for this purpose upon  
2 the application of the operator. Each appointment shall be contingent  
3 upon the submission of an application to the state patrol and the  
4 making of subsequent reports in such form and frequency and  
5 compliance with such standards of equipment, performance, pricing,  
6 and practices as may be required by rule of the state patrol.

7 An appointment may be rescinded by the state patrol upon evidence  
8 that the appointed towing operator is not complying with the laws or  
9 rules relating to the removal and storage of vehicles from the  
10 highway. The state patrol may not rescind an appointment merely  
11 because a registered tow truck operator negotiates a different rate  
12 for voluntary, owner-requested towing than for involuntary towing  
13 under this chapter. The costs of removal and storage of vehicles  
14 under this section shall be paid by the owner or driver of the  
15 vehicle and shall be a lien upon the vehicle until paid, unless the  
16 removal is determined to be invalid or the registered tow truck  
17 operator releases the vehicle under the program established in  
18 section 1 of this act.

19 Rules promulgated under this section shall be binding only upon  
20 those towing operators appointed by the state patrol for the purpose  
21 of performing towing services at the request of the Washington state  
22 patrol. Any person aggrieved by a decision of the state patrol made  
23 under this section may appeal the decision under chapter 34.05 RCW.

24 **Sec. 3.** RCW 46.55.120 and 2017 c 152 s 1 are each amended to  
25 read as follows:

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

- 30 (i) The legal owner;  
31 (ii) The registered owner;  
32 (iii) A person authorized in writing by the registered owner;  
33 (iv) The vehicle's insurer or a vendor working on behalf of the  
34 vehicle's insurer;

35 (v) A third-party insurer that has a duty to repair or replace  
36 the vehicle, has obtained consent from the registered owner or the  
37 owner's agent to move the vehicle, and has documented that consent in  
38 the insurer's claim file, or a vendor working on behalf of a third-  
39 party insurer that has received such consent; provided, however, that

1 at all times the registered owner must be granted access to and may  
2 reclaim possession of the vehicle. For the purposes of this  
3 subsection, "owner's agent" means the legal owner of the vehicle, a  
4 driver in possession of the vehicle with the registered owner's  
5 permission, or an adult member of the registered owner's family;

6 (vi) A person who is determined and verified by the operator to  
7 have the permission of the registered owner of the vehicle or other  
8 item of personal property registered or titled with the department;

9 (vii) A person who has purchased a vehicle or item of personal  
10 property registered or titled with the department from the registered  
11 owner who produces proof of ownership or written authorization and  
12 signs a receipt therefor; or

13 (viii) If (a)(i) through (vii) of this subsection do not apply, a  
14 person, who is known to the registered or legal owner of a motorcycle  
15 or moped, as each are defined in chapter 46.04 RCW, that was towed  
16 from the scene of an accident, may redeem the motorcycle or moped as  
17 a bailment in accordance with RCW 46.55.125 while the registered or  
18 legal owner is admitted as a patient in a hospital due to the  
19 accident.

20 (b) In addition, a vehicle impounded because the operator is in  
21 violation of RCW 46.20.342(1)(c) shall not be released until a person  
22 eligible to redeem it under (a) of this subsection satisfies the  
23 requirements of (f) of this subsection, including paying all towing,  
24 removal, and storage fees, notwithstanding the fact that the hold was  
25 ordered by a government agency. If the department's records show that  
26 the operator has been convicted of a violation of RCW 46.20.342 or a  
27 similar local ordinance within the past five years, the vehicle may  
28 be held for up to (~~thirty~~) 30 days at the written direction of the  
29 agency ordering the vehicle impounded. A vehicle impounded because  
30 the operator is arrested for a violation of RCW 46.20.342 may be  
31 released only pursuant to a written order from the agency that  
32 ordered the vehicle impounded or from the court having jurisdiction.  
33 An agency shall issue a written order to release pursuant to a  
34 provision of an applicable state agency rule or local ordinance  
35 authorizing release on the basis of the following:

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

39 (ii) The owner of the vehicle was not the driver, the owner did  
40 not know that the driver's license was suspended or revoked, and the

1 owner has not received a prior release under this subsection or RCW  
2 46.55.113(3).

3 In order to avoid discriminatory application, other than for the  
4 reasons for release set forth in (b)(i) and (ii) of this subsection,  
5 an agency shall, under a provision of an applicable state agency rule  
6 or local ordinance, deny release in all other circumstances without  
7 discretion.

8 If a vehicle is impounded because the operator is in violation of  
9 RCW 46.20.342(1) (a) or (b), the vehicle may be held for up to  
10 (~~thirty~~) 30 days at the written direction of the agency ordering  
11 the vehicle impounded. However, if the department's records show that  
12 the operator has been convicted of a violation of RCW 46.20.342(1)  
13 (a) or (b) or a similar local ordinance within the past five years,  
14 the vehicle may be held at the written direction of the agency  
15 ordering the vehicle impounded for up to (~~sixty~~) 60 days, and for  
16 up to (~~ninety~~) 90 days if the operator has two or more such prior  
17 offenses. If a vehicle is impounded because the operator is arrested  
18 for a violation of RCW 46.20.342, the vehicle may not be released  
19 until a person eligible to redeem it under (a) of this subsection  
20 satisfies the requirements of (f) of this subsection, including  
21 paying all towing, removal, and storage fees, notwithstanding the  
22 fact that the hold was ordered by a government agency.

23 (c) If the vehicle is directed to be held for a suspended license  
24 impound, a person who desires to redeem the vehicle at the end of the  
25 period of impound shall within five days of the impound at the  
26 request of the tow truck operator pay a security deposit to the tow  
27 truck operator of not more than one-half of the applicable impound  
28 storage rate for each day of the proposed suspended license impound.  
29 The tow truck operator shall credit this amount against the final  
30 bill for removal, towing, and storage upon redemption. The tow truck  
31 operator may accept other sufficient security in lieu of the security  
32 deposit. If the person desiring to redeem the vehicle does not pay  
33 the security deposit or provide other security acceptable to the tow  
34 truck operator, the tow truck operator may process and sell at  
35 auction the vehicle as an abandoned vehicle within the normal time  
36 limits set out in RCW 46.55.130(1). The security deposit required by  
37 this section may be paid and must be accepted at any time up to  
38 (~~twenty-four~~) 24 hours before the beginning of the auction to sell  
39 the vehicle as abandoned. The registered owner is not eligible to  
40 purchase the vehicle at the auction, and the tow truck operator shall

1 sell the vehicle to the highest bidder who is not the registered  
2 owner.

3 (d) Notwithstanding (c) of this subsection, a rental car business  
4 may immediately redeem a rental vehicle it owns by payment of the  
5 costs of removal, towing, and storage, whereupon the vehicle will not  
6 be held for a suspended license impound.

7 (e) Notwithstanding (c) of this subsection, a motor vehicle  
8 dealer or lender with a perfected security interest in the vehicle  
9 may redeem or lawfully repossess a vehicle immediately by payment of  
10 the costs of removal, towing, and storage, whereupon the vehicle will  
11 not be held for a suspended license impound. A motor vehicle dealer  
12 or lender with a perfected security interest in the vehicle may not  
13 knowingly and intentionally engage in collusion with a registered  
14 owner to repossess and then return or resell a vehicle to the  
15 registered owner in an attempt to avoid a suspended license impound.  
16 However, this provision does not preclude a vehicle dealer or a  
17 lender with a perfected security interest in the vehicle from  
18 repossessing the vehicle and then selling, leasing, or otherwise  
19 disposing of it in accordance with chapter 62A.9A RCW, including  
20 providing redemption rights to the debtor under RCW 62A.9A-623. If  
21 the debtor is the registered owner of the vehicle, the debtor's right  
22 to redeem the vehicle under chapter 62A.9A RCW is conditioned upon  
23 the debtor obtaining and providing proof from the impounding  
24 authority or court having jurisdiction that any fines, penalties, and  
25 forfeitures owed by the registered owner, as a result of the  
26 suspended license impound, have been paid, and proof of the payment  
27 must be tendered to the vehicle dealer or lender at the time the  
28 debtor tenders all other obligations required to redeem the vehicle.  
29 Vehicle dealers or lenders are not liable for damages if they rely in  
30 good faith on an order from the impounding agency or a court in  
31 releasing a vehicle held under a suspended license impound.

32 (f) The vehicle or other item of personal property registered or  
33 titled with the department shall be released upon the presentation to  
34 any person having custody of the vehicle of commercially reasonable  
35 tender sufficient to cover the costs of towing, storage, or other  
36 services rendered during the course of towing, removing, impounding,  
37 or storing any such vehicle, with credit being given for the amount  
38 of any security deposit paid under (c) of this subsection.  
39 Alternatively, a vehicle must be released when the registered tow  
40 truck operator completes the form described in section 1(4)(a) of

1 this act provided that the first part is completed by an individual  
2 seeking the release of a vehicle. In addition, if a vehicle is  
3 impounded because the operator was arrested for a violation of RCW  
4 46.20.342 or 46.20.345 and was being operated by the registered owner  
5 when it was impounded under local ordinance or agency rule, it must  
6 not be released to any person until the registered owner establishes  
7 with the agency that ordered the vehicle impounded or the court  
8 having jurisdiction that any penalties, fines, or forfeitures owed by  
9 him or her have been satisfied. Registered tow truck operators are  
10 not liable for damages if they rely in good faith on an order from  
11 the impounding agency or a court in releasing a vehicle held under a  
12 suspended license impound. Commercially reasonable tender shall  
13 include, without limitation, cash, major bank credit cards issued by  
14 financial institutions, or personal checks drawn on Washington state  
15 branches of financial institutions if accompanied by two pieces of  
16 valid identification, one of which may be required by the operator to  
17 have a photograph. If the towing firm cannot determine through the  
18 customer's bank or a check verification service that the presented  
19 check would be paid by the bank or guaranteed by the service, the  
20 towing firm may refuse to accept the check. Any person who stops  
21 payment on a personal check or credit card, or does not make  
22 restitution within (~~ten~~) 10 days from the date a check becomes  
23 insufficient due to lack of funds, to a towing firm that has provided  
24 a service pursuant to this section or in any other manner defrauds  
25 the towing firm in connection with services rendered pursuant to this  
26 section shall be liable for damages in the amount of twice the towing  
27 and storage fees, plus costs and reasonable attorney's fees.

28 (2) (a) The registered tow truck operator shall give to each  
29 person who seeks to redeem an impounded vehicle, or item of personal  
30 property registered or titled with the department, written notice of  
31 the right of redemption and opportunity for a hearing, which notice  
32 shall be accompanied by a form to be used for requesting a hearing,  
33 the name of the person or agency authorizing the impound, and a copy  
34 of the towing and storage invoice. The registered tow truck operator  
35 shall maintain a record evidenced by the redeeming person's signature  
36 that such notification was provided.

37 (b) Any person seeking to redeem an impounded vehicle under this  
38 section has a right to a hearing in the district or municipal court  
39 for the jurisdiction in which the vehicle was impounded to contest  
40 the validity of the impoundment or the amount of towing and storage



1 charges. The district court has jurisdiction to determine the issues  
2 involving all impoundments including those authorized by the state or  
3 its agents. The municipal court has jurisdiction to determine the  
4 issues involving impoundments authorized by agents of the  
5 municipality. Any request for a hearing shall be made in writing on  
6 the form provided for that purpose and must be received by the  
7 appropriate court within (~~ten~~) 10 days of the date the opportunity  
8 was provided for in (a) of this subsection and more than five days  
9 before the date of the auction. At the time of the filing of the  
10 hearing request, the petitioner shall pay to the court clerk a filing  
11 fee in the same amount required for the filing of a suit in district  
12 court. If the hearing request is not received by the court within the  
13 (~~ten-day~~) 10-day period, the right to a hearing is waived and the  
14 registered owner is liable for any towing, storage, or other  
15 impoundment charges permitted under this chapter. Upon receipt of a  
16 timely hearing request, the court shall proceed to hear and determine  
17 the validity of the impoundment.

18 (3) (a) The court, within five days after the request for a  
19 hearing, shall notify the registered tow truck operator, the person  
20 requesting the hearing if not the owner, the registered and legal  
21 owners of the vehicle or other item of personal property registered  
22 or titled with the department, and the person or agency authorizing  
23 the impound in writing of the hearing date and time.

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

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

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

1 (e) If the impoundment is determined to be in violation of this  
2 chapter, then the registered and legal owners of the vehicle or other  
3 item of personal property registered or titled with the department  
4 shall bear no impoundment, towing, or storage fees, and any security  
5 shall be returned or discharged as appropriate, and the person or  
6 agency who authorized the impoundment shall be liable for any towing,  
7 storage, or other impoundment fees permitted under this chapter. The  
8 court shall enter judgment in favor of the registered tow truck  
9 operator against the person or agency authorizing the impound for the  
10 impoundment, towing, and storage fees paid. In addition, the court  
11 shall enter judgment in favor of the registered and legal owners of  
12 the vehicle, or other item of personal property registered or titled  
13 with the department, for the amount of the filing fee required by law  
14 for the impound hearing petition as well as reasonable damages for  
15 loss of the use of the vehicle during the time the same was impounded  
16 against the person or agency authorizing the impound. However, if an  
17 impoundment arising from an alleged violation of RCW 46.20.342 or  
18 46.20.345 is determined to be in violation of this chapter, then the  
19 law enforcement officer directing the impoundment and the government  
20 employing the officer are not liable for damages if the officer  
21 relied in good faith and without gross negligence on the records of  
22 the department in ascertaining that the operator of the vehicle had a  
23 suspended or revoked driver's license. If any judgment entered is not  
24 paid within (~~fifteen~~) 15 days of notice in writing of its entry,  
25 the court shall award reasonable attorneys' fees and costs against  
26 the defendant in any action to enforce the judgment. Notice of entry  
27 of judgment may be made by registered or certified mail, and proof of  
28 mailing may be made by affidavit of the party mailing the notice.  
29 Notice of the entry of the judgment shall read essentially as  
30 follows:

31 TO: . . . . .  
32 YOU ARE HEREBY NOTIFIED JUDGMENT was entered against you in  
33 the . . . . . Court located at . . . . . in the sum of  
34 \$. . . . ., in an action entitled . . . . ., Case  
35 No. . . . . YOU ARE FURTHER NOTIFIED that attorneys fees and  
36 costs will be awarded against you under RCW . . . if the  
37 judgment is not paid within 15 days of the date of this  
38 notice.  
39 DATED this . . . . day of . . . . ., (year) . . .

1                   Signature . . . . .  
2                    Typed name and address  
3                    of party mailing notice

4           (4) Any impounded abandoned vehicle or item of personal property  
5 registered or titled with the department that is not redeemed within  
6 (~~fifteen~~) 15 days of mailing of the notice of custody and sale as  
7 required by RCW 46.55.110(3) shall be sold at public auction in  
8 accordance with all the provisions and subject to all the conditions  
9 of RCW 46.55.130. A vehicle or item of personal property registered  
10 or titled with the department may be redeemed at any time before the  
11 start of the auction either upon (~~payment~~):

- 12           (a) Payment of the applicable towing and storage fees; or
- 13           (b) The completion of the form specified in section 1 of this
- 14 act.

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