

(5) The board shall establish rules for the conduct of its affairs and to carry out the purposes of this chapter.

(6) The department of natural resources shall furnish secretarial and administrative services and shall serve as custodian of the records.

(7) All geographic names adopted by the board shall be published in the Washington State Register.

NEW SECTION. Sec. 7. Members of the board who are not otherwise public employees shall be reimbursed for travel expenses as provided in RCW 43.03.050 and RCW 43.03.060, which shall be paid by the agency that each member represents and, for the four members of the general public, by the department of natural resources.

NEW SECTION. Sec. 8. A person shall not, in any advertisement or publication, attempt to change local usage or name unnamed geographic features without first obtaining approval of the board.

NEW SECTION. Sec. 9. Sections 1 through 8 of this act shall be added to chapter 43.126 RCW.

NEW SECTION. Sec. 10. Section 3, chapter 178, Laws of 1973 1st ex. sess., section 130, chapter 78, Laws of 1980 and RCW 43.126.030 are each repealed.

Passed the Senate April 23, 1983.

Passed the House April 16, 1983.

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CHAPTER 274

[Engrossed Senate Bill No. 3846]

IMPOUNDED VEHICLES—REVISIONS

AN ACT Relating to impoundment of motor vehicles; amending section 7, chapter 42, Laws of 1969 ex. sess. as last amended by section 12, chapter 178, Laws of 1979 ex. sess. and RCW 46.52.111; amending section 1, chapter 281, Laws of 1975 1st ex. sess. and RCW 46.52.118; amending section 4, chapter 281, Laws of 1975 1st ex. sess. and RCW 46.52.1194; amending section 5, chapter 281, Laws of 1975 1st ex. sess. and RCW 46.52.1196; amending section 2, chapter 111, Laws of 1971 ex. sess. as last amended by section 19, chapter 178, Laws of 1979 ex. sess. and RCW 46.52.150; amending section 4, chapter 178, Laws of 1979 ex. sess. and RCW 46.52.190; amending section 5, chapter 178, Laws of 1979 ex. sess. and RCW 46.52.200; adding a new section to chapter 46.52 RCW; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 7, chapter 42, Laws of 1969 ex. sess. as last amended by section 12, chapter 178, Laws of 1979 ex. sess. and RCW 46.52.111 are each amended to read as follows:

(1) A registered disposer shall take custody of any vehicle or hulk placed in his custody by a law enforcement officer pursuant to RCW 46.61-.565 or 46.52.180 and shall remove the vehicle or hulk to the established

place of business of the registered disposer where the vehicle or hulk shall be stored, and the registered disposer shall have a lien upon the vehicle or hulk for services provided in the towing and storage of the vehicle or hulk, unless the impoundment is determined to have been invalid. However the lien does not apply to personal property in or upon the vehicle which personal property is not permanently attached to or is not an integral part of the vehicle. The registered disposer shall also have a claim against the last registered owner of the vehicle or hulk for services provided in the towing and storage of the vehicle or hulk, not to exceed the sum of two hundred dollars, unless the removal is determined to be invalid. A registered owner who has complied with RCW 46.52.104 in the transfer of ownership of the vehicle or hulk shall be relieved of liability under this section.

(2) Within twenty-four hours after receiving custody of the vehicle or hulk from the law enforcement officer, the registered disposer shall give notice of his custody to the department of licensing and the Washington state patrol. If a vehicle impounded from private property pursuant to this chapter is in the custody of a registered disposer and remains unclaimed after seventy-two hours, the registered disposer shall without undue delay give notice of his custody to the department. The department shall supply the last known names and addresses of registered and legal owners of the vehicle((s)) as the names and addresses appear on the records of the department to the registered disposer on request without charge in those cases where the information was not given to the registered disposer by the law enforcement officer.

(3) Within three days after receiving the names and addresses of the owners from the department or the law enforcement officer, the registered disposer shall send a notice to the registered and legal owners of the vehicle to the last known addresses of the owners as the addresses appear on the records of the department by certified or registered mail, return receipt requested. The notice shall contain a description of the vehicle or hulk including its license number and vehicle identification number and shall state the amount due the registered disposer for services in the towing and storage of the vehicle or hulk and the time and place of public sale if the amount remains unpaid or if possession of the vehicle is not otherwise regained pursuant to RCW 46.52.200. The notice shall not be sent if the registered owner has regained possession of the vehicle pursuant to RCW 46.52.200. If the vehicle is sold pursuant to this chapter, a copy of the notice with proof of mailing shall be retained in the registered disposer's files and available for inspection for a period of three years from the date of sale.

(4) The failure of the registered disposer to comply with the time limits provided in this chapter shall limit the accumulation of storage charges to five days except where delay is unavoidable. The providing of incorrect or

incomplete identifying information to the department in the abandoned vehicle report shall be considered a failure to comply with these time limits if correct information is available.

(5) Impounded vehicles shall be redeemed only by the legal or registered owner, a person authorized by the registered owner, or one who has purchased a vehicle from the registered owner, who produces proof of ownership or authorization and signs a receipt therefor.

(6) Any person redeeming an impounded vehicle shall pay to the towing contractor the costs of impoundment before redeeming the vehicle. However, the county, city, or town with jurisdiction over the impoundment may authorize release before payment of the towing or impoundment fees if the owner requests a hearing as to the propriety of the impoundment. The towing contractor shall accept cash, major bank credit cards, certified bank drafts, money orders, and personal checks drawn on in-state banks in payment for these costs. If such a personal check is offered in payment, the person offering the check may be required to show evidence of his or her identity by two pieces of identification which may include a driver's license, Washington state identification card issued by the department of licensing, other credit cards, or similar forms of identification. If the contractor has reasonable cause to believe the tendered check is uncollectible under standards adopted by the county, city, or town with jurisdiction over the impoundment, acceptance of the check may be refused. If the vehicle was impounded at the direction of a law enforcement officer and any personal check or promissory note is subsequently not paid or is dishonored, the drawer of the check or maker of the note shall be liable to the towing firm that has provided service for damages in the amount of twice the towing and storage fees, plus costs and reasonable attorney's fees.

Sec. 2. Section 1, chapter 281, Laws of 1975 1st ex. sess. and RCW 46.52.118 are each amended to read as follows:

Any person having possession or control of real property who finds an abandoned vehicle or abandoned vehicle hulk as defined in RCW 46.52.102 standing upon that property is authorized to have ~~((such))~~ the vehicle or hulk removed by a person properly registered pursuant to RCW 46.52.108. ~~((Such))~~ The vehicle shall be disposed of in accordance with the procedure prescribed in RCW ~~((46.52.111 and 46.52.112))~~ 46.52.119 and section 4 of this act.

A vehicle trespassing on family residential private property or posted private property as defined in RCW 46.52.119 or 46.52.1192 without the consent of the property owner may be impounded immediately in accordance with the procedures set forth in this chapter.

Sec. 3. Section 4, chapter 281, Laws of 1975 1st ex. sess. and RCW 46.52.1194 are each amended to read as follows:

(1) Any towing firm removing vehicles from private property pursuant to RCW 46.52.118, 46.52.119, or 46.52.1192 shall:

(a) File with the department a detailed schedule of all fees charged incident to the removal and storage of vehicles pursuant to RCW 46.52.119 or 46.52.1192;

(b) Post a copy of the schedule of fees on file with the department in a prominent place at the business location where vehicles are released from storage;

(c) Maintain personnel able and authorized to arrange for the release of any vehicle to its owner on a twenty-four hour basis;

(d) After removing a vehicle from private property pursuant to RCW 46.52.118, 46.52.119, or 46.52.1192, report the fact of removal together with the license number, vehicle identification number, make, year, and place of impoundment to the law enforcement agency with jurisdiction over the place of impoundment, which agency shall maintain a log of such reports(~~(:PROVIDED, That)~~). The law enforcement agency to which the report was made shall provide the name and address of the registered and legal owner, as may appear on the records of the department, to the towing firm removing a vehicle under RCW 46.52.118 through 46.52.1198. The reporting required in this subsection shall include an immediate radio or telephone call to, and a written notification, within twenty-four hours, to such local law enforcement agency;

(e) If any vehicle removed pursuant to RCW 46.52.118, 46.52.119, or 46.52.1192 remains unclaimed after twenty-four hours, send to the registered and legal owner of the vehicle by the end of the next business day a notice by certified mail, return receipt requested(~~(:)~~): (i) Advising that person of the name, location, and twenty-four hour telephone number of the person, tow truck operator, or operator of any storage facility who is empowered or authorized to return custody of any such towed, removed, or impounded motor vehicle(~~(: The notification shall also contain)~~); (ii) providing an estimate of the costs of towing, storage, or other services rendered during the course of removing, impounding, or storing any such motor vehicle(~~(: For the purpose of sending such notice, the law enforcement agency to which the report was made shall provide the name and address of the registered owner, as it appears on the records of the department, to the towing firm removing a vehicle under the provisions of RCW 46.52.118 through 46.52.1198: PROVIDED, That in the event)~~); (iii) containing notice of right of redemption and opportunity for a hearing conducted pursuant to section 4 of this act; and (iv) announcing that the vehicle will be sold at public auction pursuant to RCW 46.52.112 if not reclaimed within fifteen days of mailing of this notice.

(2) If such certified letter has been refused or returned to the sender unclaimed, the notification to the law enforcement agency as provided in subsection (1)(d) of this section shall constitute actual notice to the registered and legal owner(~~(:PROVIDED FURTHER, That)~~).

(3) The towing company shall give to each person who seeks to redeem an impounded vehicle written notice of right of redemption and opportunity for a hearing, which notice shall be accompanied by a form to be used for requesting a hearing, and a copy of the tow and storage receipt. The towing company shall maintain a record evidenced by the redeeming person's signature that such notification was provided.

(4) The effect of other laws notwithstanding, the costs of towing, storage, or other services rendered during the course of removing, impounding, or storing any such motor vehicle shall not constitute a lien upon the legal ownership of ~~((such))~~ the motor vehicle until forty-eight hours after the notice as provided in this ~~((subsection))~~ section has been received by the local law enforcement agency or owner of the vehicle, at which time the lien may be enforced as otherwise provided by law for the enforcement of towing or storage liens or liens generally~~((AND PROVIDED FURTHER, That))~~.

(5) If the towing firm assesses a fee according to the miles a vehicle is towed, the lien shall be, and the towing firm shall attempt to recover, no more than the fees that would accrue for towing to the nearest storage location of any towing firm.

~~((2))~~ (6) A failure to comply with the provisions of this section or section 4 of this act in regard to any vehicle waives the lien on that vehicle, constitutes a bar to recovery of the charges accrued on that vehicle, and is grounds for the suspension or revocation of the registration of any towing firm registered under RCW 46.52.108 to dispose of the abandoned vehicle~~((PROVIDED, That))~~. However, no storage charges ~~((shall))~~ accrue in any event until written notice as provided in this section ~~((shall have))~~ has been received by the local law enforcement agency or owner of the vehicle.

NEW SECTION. Sec. 4. There is added to chapter 46.52 RCW a new section to read as follows:

(1) Unclaimed vehicles impounded by registered disposers pursuant to RCW 46.52.118, 46.52.119, or 46.52.1192 shall be redeemed only under the following circumstances:

(a) Only the registered owner, a person authorized by the registered owner, or one who has purchased a vehicle from the registered owner, who produces proof of ownership or written authorization and signs a receipt therefor, or the legal owner, may redeem an impounded vehicle.

(b) An unclaimed vehicle subject to sale may be redeemed pursuant to RCW 46.52.1196, or by posting a sufficient bond to cover accrued impoundment, towing, and storage charges. The bond shall be held in trust by the registered disposer pending the outcome of a hearing.

(2) Any person seeking to redeem an impounded vehicle under this section has a right to a hearing in the district court for the jurisdiction in

which the vehicle was impounded to contest the validity of the impoundment or the amount of towing and storage charges. Any request for a hearing shall be made in writing on the form provided for that purpose and must be received by the district court within ten days of the date the notification provided for in RCW 46.52.1194 was mailed or delivered. If the hearing request is not received by the district court within the ten-day period, the right to a hearing is waived and the legal and registered owners shall be liable for any towing, storage, or other impoundment charges permitted under this chapter. Upon receipt of a timely hearing request, the district court shall proceed to hear and determine the validity of the impoundment.

(3)(a) The district court, within five days after the request for a hearing, shall notify the registered disposer and the registered and legal owner of the motor vehicle in writing of the hearing date and time.

(b) At the hearing, the person or persons requesting the hearing may produce any relevant evidence to show that the impoundment, towing, or storage fees charged were not proper.

(c) At the conclusion of the hearing, the district court shall determine whether the impoundment, towing, or storage fees charged were proper.

(d) If the impoundment is found proper, the impoundment, towing, and storage fees as permitted under this chapter together with court costs and the expenses of the hearing shall be assessed against the person or persons requesting the hearing.

(e) If the impoundment is determined to be invalid, then the registered and legal owners of the vehicle shall bear no impoundment, towing, or storage costs, and any bond or other security shall be returned or discharged as appropriate.

(4) Any unclaimed vehicle not redeemed within fifteen days of mailing of the notice required by RCW 46.52.1194 shall be sold at public auction in accordance with all the provisions and subject to all the conditions of RCW 46.52.112.

Sec. 5. Section 5, chapter 281, Laws of 1975 1st ex. sess. and RCW 46.52.1196 are each amended to read as follows:

(1) Any towing firm removing a vehicle(s) from private property pursuant to RCW 46.52.118, 46.52.119, or 46.52.1192 shall release ((such)) the vehicle to the owner, operator, driver, or authorized designee thereof upon the presentation to any person having custody of ((such)) the vehicle of commercially reasonable tender sufficient to cover the costs of towing, storage, or other services rendered during the course of towing, removing, impounding, or storing any such motor vehicle(~~(, such)~~). Commercially reasonable tender ((to)) shall include, without limitation, cash, personal checks drawn on ((local)) in-state banks with proper identification, and valid and appropriate credit cards(~~(-PROVIDED HOWEVER, That))~~. Any person who stops payment on a personal check with intent to defraud a

towing firm (~~which~~) that has provided a service pursuant to this section(;) or in any other manner defrauds the towing firm in connection with services rendered pursuant to this section shall be liable for damages in the amount of twice the towing and storage fees, plus costs and reasonable attorney's fees(~~PROVIDED FURTHER, That every towing firm providing service pursuant to this section shall post a true copy of this section in a conspicuous place upon its business premises. PROVIDED FURTHER, That~~).

(2) If the owner, operator, driver, or authorized designee thereof(~~shall~~) provides adequate proof of his financial responsibility, employment, and residence in the community to any person having custody of any towed, removed, impounded, or stored motor vehicle, (~~then~~) the motor vehicle shall be released without payment(;) with the understanding that such costs shall be paid within thirty days, or shall be recoverable through an action by law.

(3) A towing firm providing service under this section shall post a true copy of this section in a conspicuous place upon its business premises.

Sec. 6. Section 2, chapter 111, Laws of 1971 ex. sess. as last amended by section 19, chapter 178, Laws of 1979 ex. sess. and RCW 46.52.150 are each amended to read as follows:

Notwithstanding any other provision of law, any law enforcement officer having jurisdiction or any person authorized by the director of licensing shall inspect and may authorize the disposal of an abandoned junk motor vehicle. The officer or authorized person shall record the make of such motor vehicle(;) and the serial number or vehicle identification number, if available, and shall also detail the damage or missing equipment to verify that the value of (~~such~~) the abandoned junk vehicle is equivalent only to the value of the scrap metal (~~therein, only~~) in it.

An abandoned junk motor vehicle is subject to the provisions of RCW 46.52.1194 and section 4 of this act.

Any surplus moneys arising from the disposal of abandoned junk motor vehicle shall be deposited in the county general fund.

Sec. 7. Section 4, chapter 178, Laws of 1979 ex. sess. and RCW 46.52.190 are each amended to read as follows:

(1) When a vehicle or hulk is impounded pursuant to RCW 46.61.565 or 46.52.180, the governmental agency at whose direction the impoundment was effected shall, within twenty-four hours after the impoundment, mail notification of the impoundment to the last registered owner and the legal owner of the vehicle as shown on the records of the department or as otherwise reasonably ascertainable. The notification shall contain a certificate of mailing and shall inform the registered and legal owners of the impoundment, redemption procedures, and opportunity for a hearing to contest the basis for the impoundment. The notice need not be mailed if the vehicle is

redeemed prior to the mailing of the notice or if the registered owner and the legal owner are not reasonably ascertainable.

Upon impoundment of a vehicle pursuant to this section, the law enforcement officer shall also provide the registered disposer with the name and address of the last registered owner and legal owner of the vehicle as may be shown by the records of the department or as otherwise reasonably ascertainable.

(2) The notification provided for in this section shall inform the registered and legal owners that any hearing request shall be directed to the district court for the justice court district in which the vehicle was impounded and shall be accompanied by a form to be ~~((utilized))~~ used for the purpose of requesting a hearing. Any request for a hearing pursuant to this section shall be made in writing on the form provided for that purpose and must be received by the district court within ten days of the date the notification provided for in this section was mailed. If the hearing request is not received by the district court within the ten-day period, the right to a hearing is waived and the registered and legal owners shall be liable for any towing, storage, or other impoundment charges permitted under this chapter. Upon receipt of a timely hearing request, the district court shall proceed to hear and determine the validity of the impoundment.

(3) If the registered or legal owner timely requests a hearing provided for by this section and prevails at the hearing, the unit of government under whose jurisdiction the impoundment was effected shall be liable for any towing, storage, or other impoundment charges permitted under this chapter.

(4) Removal and storage of a vehicle or hulk under RCW 46.52.170 through 46.52.190 or under RCW 46.61.565 shall be at the ~~((owner's))~~ registered and legal owners' expense, except as provided in RCW 46.52.104, 46.52.106, and subsection (3) of this section.

(5) The department may adopt rules providing that the owner's vehicle license will not be renewed or a new vehicle license issued to the owner unless any outstanding removal and storage charges are paid.

Sec. 8. Section 5, chapter 178, Laws of 1979 ex. sess. and RCW 46.52-.200 are each amended to read as follows:

When a vehicle or hulk is impounded pursuant to RCW 46.52.170 through 46.52.190 or 46.61.565 and the registered or legal owner has made a timely request for a hearing, the registered or legal owner may regain possession of the vehicle pending the outcome of the hearing by posting a sufficient ~~((cash))~~ bond to cover accrued impoundment, towing, and storage charges to be held in trust by the registered disposer ~~((or such other security as the department may by rule require)).~~

NEW SECTION. Sec. 9. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state

government and its existing public institutions, and shall take effect immediately.

Passed the Senate April 23, 1983.

Passed the House April 20, 1983.

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CHAPTER 275

[Substitute Senate Bill No. 3880]

SCHOOL DISTRICTS—EMPLOYEES—LEAVES—REMUNERATION FOR UNUSED SICK LEAVE

AN ACT Relating to education; amending section 2, chapter 16, Laws of 1981 and RCW 28A.58.095; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW; creating a new section; repealing section 5, chapter 182, Laws of 1980 and RCW 28A.58.097; and repealing section 3, chapter 10, Laws of 1972 ex. sess., section 108, chapter 275, Laws of 1975 1st ex. sess., section 4, chapter 182, Laws of 1980, section 1, chapter 16, Laws of 1981 and RCW 28A.58.100.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 2, chapter 16, Laws of 1981 and RCW 28A.58.095 are each amended to read as follows:

(1) Every school district board of directors (1) shall fix, alter, allow, and order paid salaries and compensation for all district employees. No school district board of directors may grant salary and compensation increases from any fund source whatsoever in excess of the amount and or percentage as may be provided for employees as set forth in the state operating appropriations act in effect at the time the compensation is payable.

(2) Increases in school district employee fringe benefit contributions by school districts shall be included for purposes of determining salary and compensation increases under this section if contributions to fringe benefits provided by a district exceed or, by virtue of the increase, will exceed the amount provided for fringe benefits in the state operating appropriations act in effect at the time the compensation is payable.

(3) For purposes of this section, salary and compensation shall not include the following:

(a) Payment for unused leave for illness or injury under (~~RCW 28A-58.097~~) section 2 of this 1983 act,

(b) Employer contributions for the following employee fringe benefits:

(i) Old Age Survivors Insurance

(ii) Workers' Compensation

(iii) Unemployment Compensation

(iv) Retirement benefits under the Washington State Retirement System.