

CHAPTER 262.

[H. B. 261.]

MOTOR VEHICLE WRECKERS.

AN ACT relating to motor vehicles; providing for the licensing, regulating and bonding of persons engaged in the dismantling and wrecking thereof; providing for the keeping of certain records and reports and providing penalties for the violations of this act.

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

SECTION 1. The words "motor vehicle wrecker", whenever used in this act, shall mean every person, firm, partnership, association or corporation engaged in the business of buying, selling or dealing in vehicles of a type required to be licensed under the laws of this state, for the purpose of wrecking, dismantling, disassembling or substantially changing the form of any motor vehicle, or who buys or sells integral second-hand parts of component material thereof, in whole or in part, and deals in second-hand motor vehicle parts. The words "established place of business", whenever used in this act, shall mean a building or enclosure which the owner occupies either continuously or at regular periods and where his books and records are kept and business is transacted and which must conform with the zoning regulation of municipalities.

SEC. 2. On and after July 1, 1947, any motor vehicle wrecker, as defined herein, who shall engage in the business of wrecking motor vehicles or trailers without having first applied for and received a license from the Director of Licenses authorizing him so to do shall be guilty of a gross misdemeanor, and upon conviction shall be punished by imprisonment for not less than thirty (30) days or more than one year in jail or by a fine of one thousand dollars (\$1,000).

"Motor vehicle wrecker."

"Established place of business."

License required.

Penalty.

Application
for license.

SEC. 3. Application for a Motor Vehicle Wrecker's license shall be made on a form for this purpose, furnished by the Director of Licenses, and shall be signed by the Motor Vehicle Wrecker or his authorized agent and shall include the following information:

Contents of
application.

(a) Name and address of the person, firm, partnership, association or corporation under which name the business is to be conducted;

(b) Names and residence address of all persons having an interest in the business or, if the owner is a corporation, the names and addresses of the officers thereof;

(c) Certificate of approval of the Chief of Police of any city or town having a population of over five thousand (5,000) persons or a member of the Washington State Patrol certifying that the applicant has an established place of business at the address shown on the application;

(d) Any other information that the Director of Licenses may require.

License
fee.Issuance
of license.Display of
license.Annual
license.

Renewal fee.

SEC. 4. Such application, together with a fee of twenty-five dollars (\$25), and a surety bond as hereinafter provided, shall be forwarded to the Director of Licenses. Upon receipt of the application the Director shall, if the application be in order, issue a Motor Vehicle Wrecker's license authorizing him to do business as such and forward the fee, together with an itemized and detailed report, to the State Treasurer, to be deposited in the Motor Vehicle Fund. Upon receiving the certificate the owner shall cause it to be prominently displayed in his place of business, where it may be inspected by an investigating officer at any time.

SEC. 5. A license issued on this application shall remain in force until June 30, 1948, or until suspended or revoked and may be renewed annually upon payment of a renewal fee of ten dollars (\$10).

Any Motor Vehicle Wrecker who fails or neglects to renew his license prior to July 1, shall be required to pay the fee for an original Motor Vehicle Wrecker license as provided in this act.

Whenever a Motor Vehicle Wrecker shall cease to do business as such or his license has been suspended or revoked, he shall immediately surrender such license to the Director of Licenses.

Surrender
of license.

SEC. 6. The Motor Vehicle Wrecker may obtain a special set of license plates to be displayed on vehicles owned by him and used in the conduct of his business. The fee for these plates shall be five dollars (\$5) for the original plates and two dollars (\$2) for each additional set of plates bearing the same license number.

License
plates.

Fees.

SEC. 7. Before issuing a Motor Vehicle Wrecker's license, the Director of Licenses shall require the applicant to file with said Director a surety bond in the amount of one thousand dollars (\$1,000), running to the State of Washington and executed by a surety company authorized to do business in the State of Washington. Such bond shall be approved as to form by the Attorney General and conditioned that such wrecker shall conduct his business in conformity with the provisions of this act. Any person who shall have suffered any loss or damage by reason of fraud, carelessness, neglect or misrepresentation on the part of the wrecking company, shall have the right to institute an action for recovery against such Motor Vehicle Wrecker and surety upon such bond: *Provided, however,* That the aggregate liability of the surety to all persons shall in no event exceed the amount of the bond.

Surety bond.

Approval.

Liability
of bond.

SEC. 8. Every Motor Vehicle Wrecker shall maintain books or files in which he shall keep a record and a description of every vehicle wrecked, dismantled, disassembled or substantially altered by him, together with the name of the person, firm or

Records to
be kept.

corporation from whom he purchased the vehicle. Such record shall also contain:

Contents of records.

- (a) The certificate of title number (if previously titled in this or any other state);
- (b) Name of state where last registered;
- (c) Number of the last license number plate issued;
- (d) Name of vehicle;
- (e) Motor or identification number and serial number of the vehicle;
- (f) Date purchased;
- (g) Disposition of the motor and chassis, and such other information as the Director of Licenses may require. Such record shall be subject to inspection at all times by members of the police department, sheriff's office and members of the Washington State Patrol. A Motor Vehicle Wrecker shall also maintain a similar record of all disabled vehicles that have been towed or transported to the Motor Vehicle Wrecker's place of business or to other places designated by the owner of the vehicle or his representative. This record shall specify the name and description of the vehicle, name of owner, number of license plate, condition of the vehicle and place to which it was towed or transported.

Record of titles to wrecked motor vehicles to be forwarded to Director of Licenses.

SEC. 9. Within thirty (30) days after a vehicle has been acquired by the Motor Vehicle Wrecker it shall be the duty of such Motor Vehicle Wrecker to furnish a written report to the Director of Licenses on forms furnished by him. This report shall be in such form as the Director of Licenses shall prescribe and shall be accompanied by the certificate of title, if the vehicle has been last registered in a state which issues a certificate, or a record of registration if registered in a state which does not issue a certificate of title. No Motor Vehicle Wrecker shall acquire a vehicle without first obtaining such record or title. It shall be the duty of the Motor Vehicle Wrecker to

furnish a monthly report of all vehicles wrecked, dismantled, disassembled, or substantially changed in form by him. This report shall be made on forms prescribed by the Director of Licenses and contain such information as the Director of Licenses may require. This statement shall be signed by the Motor Vehicle Wrecker or his authorized representative and the facts therein sworn to before a notary public. Any Motor Vehicle Wrecker who fails, neglects or refuses to furnish these monthly reports shall be guilty of a gross misdemeanor and shall be punished by a fine of not more than five hundred dollars (\$500) or by imprisonment of not more than six (6) months or by both fine and imprisonment.

Monthly report.

Penalty.

SEC. 10. If, after issuing a Motor Vehicle Wrecker's license, the bond is cancelled by the surety in a method provided by law, the Director of Licenses shall immediately notify the principal covered by such bond by registered mail and afford him the opportunity of obtaining another bond before the termination of the original and should such principal fail, neglect or refuse to obtain such replacement, the Director may cancel or suspend the Motor Vehicle Wrecker's license which has been issued to him under the provisions of the act.

Securing second bond to replace first one.

SEC. 11. If for a good and sufficient cause the Director has reason to believe that the application for Motor Vehicle Wrecker's license should be denied, he may refuse to issue such license and shall notify the applicant to that effect. The Director may suspend or revoke a Motor Vehicle Wrecker's license whenever he shall have reason to believe that such Motor Vehicle Wrecker has:

Denial of license.

Suspension and revocation.

(a) Willfully misrepresented the physical condition of any motor or integral part of a motor vehicle;

Grounds.

(b) Sold or disposed of a motor vehicle or trailer or any part thereof when he knows that such vehicle

or part has been stolen, or appropriated without the consent of the owner;

(c) Forgery on a certificate of title covering a vehicle that has been reassembled from parts obtained from the disassembling of other vehicles;

(d) Any dishonest act or omission which the Director of Licenses has reason to believe has caused loss or serious inconvenience as a result of a sale of a motor vehicle, trailer or part thereof. Notice of the intent of the Director to refuse, suspend or cancel a license shall be given in writing, by registered mail, to the holder of or applicant for such license, and shall designate a time and place for the hearing before the Director of Licenses, which shall be not less than ten (10) days from the date of said notice. Should the Director decide that the applicant is not entitled to a license or that an existing license should be revoked, the applicant or holder may, within thirty (30) days from the date of the decision of the Director, appeal to the Superior Court of Thurston County for a review of such decision, filing a notice of such appeal with the clerk of said Superior Court and a copy of said notice in the office of the Director of Licenses. Said Court shall set the matter down for hearing with the least possible delay.

Notice of intent to refuse, suspend or cancel.

Hearing.

Appeal.

Unlawful to traffic in vehicles if identification has been destroyed.

Penalties.

SEC. 12. Any Motor Vehicle Wrecker who shall knowingly buy, sell, receive, dispose of, conceal or have in his possession any motor vehicle or integral part thereof whose manufacturer's serial number, motor number or other identification mark has been removed, defaced, covered, altered or destroyed for the purpose of concealing or misrepresenting the identity of such motor vehicle or trailer, shall be deemed guilty of a gross misdemeanor and shall be punished by a fine of not more than five hundred dollars (\$500) or by imprisonment for not more than six (6) months, or by both. Any Motor Vehicle Wrecker who shall fail, neglect or refuse to comply with all of the provisions of this act before offering

for sale and selling used parts, shall be guilty of a gross misdemeanor and shall be punished by a fine of not more than five hundred dollars (\$500) or by imprisonment for not more than six (6) months, or by both.

SEC. 13. It shall be unlawful for any Motor Vehicle Wrecker to keep any motor vehicle or any integral part thereof in any place other than the established place of business, designated in the certificate issued by the Director of Licenses, without permission of the Director, and all premises containing such motor vehicles or parts thereof shall be enclosed by a wall, fence or wire enclosure.

Vehicles to be kept in established business.

Permission for removal.

SEC. 14. The Director of Licenses is hereby authorized to promulgate and adopt reasonable rules and regulations not in conflict with provisions hereof for the proper operation and enforcement of this act.

Director of Licenses may make regulations.

SEC. 15. It shall be the duty of the chiefs of police in cities having a population of over five thousand (5,000) persons, and members of the Washington State Patrol, to make periodic inspection of the Motor Vehicle Wrecker's records provided for in this act, and furnish a certificate of inspection to the Director of Licenses in such manner as may be determined by the Director of Licenses.

Inspection of records.

SEC. 16. Any municipality or political subdivision of this state which now has or subsequently makes provision for the regulation of automobile wreckers shall comply strictly with the provisions of this act.

Municipalities to regulate in accordance with this act.

SEC. 17. In case any provision of this act shall be adjudged unconstitutional or void for any other reason, such adjudication shall not affect the validity of any other provision of this act.

Severability of act.

Repeals.

SEC. 18. All acts or parts of acts in conflict with the provisions hereof are hereby repealed as of the date upon which this act shall become effective.

Passed the House March 4, 1947.

Passed the Senate March 9, 1947.

Approved by the Governor March 29, 1947.

CHAPTER 263.

[H. B. 166.]

TAX STUDY.

AN ACT providing for a Commission to study the tax structure of this state and to report to the 1949 Legislature thereon.

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

Commission created.

SECTION 1. A Commission to study the tax structure of this state and to devise and recommend to the 1949 Legislature means of improving or bettering said tax structure is hereby established. Said Commission shall consist of the Chairman of the Committees on Revenue and Taxation, respectively, of the Senate and the House of Representatives and three members of the Senate to be appointed by the President thereof and three members of the House of Representatives to be appointed by the Speaker. Members of the Commission shall elect a chairman from their own number.

Membership.

Chairman.

Report.

Recommendations.

SEC. 2. The Commission may employ such assistants and experts as shall be needed and shall prepare a report, a copy of which shall be mailed to each person who shall be a member of the 1949 Legislature not later than December 1, 1948. Said report shall contain specific recommendations and shall include drafts of proposed bills for the accomplishment of any recommended statutory changes or enactments.