

Even though the employee meets the burden of proving the conditions specified in section 2 of this act, the employee shall, at the time of employment or thereafter, disclose all inventions being developed by the employee, for the purpose of determining employer or employee rights. The employer or the employee may disclose such inventions to the Department of Employment Security, and the department shall maintain a record of such disclosures for a minimum period of five years.

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## CHAPTER 178

[Substitute House Bill No. 755]

### ABANDONED VEHICLES—REMOVAL, STORAGE, DISPOSAL

AN ACT Relating to motor vehicles; amending section 3, chapter 42, Laws of 1969 ex. sess. and RCW 46.52.102; amending section 39, chapter 281, Laws of 1969 ex. sess. as amended by section 164, chapter ... (House Bill No. 849), Laws of 1979 and RCW 46.52.104; amending section 4, chapter 42, Laws of 1969 ex. sess. as amended by section 40, chapter 281, Laws of 1969 ex. sess. and RCW 46.52.106; amending section 5, chapter 42, Laws of 1969 ex. sess. as last amended by section 165, chapter ... (House Bill No. 849), Laws of 1979 and RCW 46.52.108; amending section 46.52.110, chapter 12, Laws of 1961 as last amended by section 166, chapter ... (House Bill No. 849), Laws of 1979 and RCW 46.52.110; amending section 7, chapter 42, Laws of 1969 ex. sess. as last amended by section 167, chapter ... (House Bill No. 849), Laws of 1979 and RCW 46.52.111; amending section 8, chapter 42, Laws of 1969 ex. sess. as last amended by section 168, chapter ... (House Bill No. 849), Laws of 1979 and RCW 46.52.112; amending section 9, chapter 42, Laws of 1969 ex. sess. as amended by section 169, chapter ... (House Bill No. 849), Laws of 1979 and RCW 46.52.113; amending section 10, chapter 42, Laws of 1969 ex. sess. and RCW 46.52.114; amending section 2, chapter 42, Laws of 1969 ex. sess. as last amended by section 170, chapter ... (House Bill No. 849), Laws of 1979 and RCW 46.52.115; amending section 11, chapter 42, Laws of 1969 ex. sess. as amended by section 171, chapter ... (House Bill No. 849), Laws of 1979 and RCW 46.52.116; amending section 1, chapter 111, Laws of 1971 ex. sess. and RCW 46.52.145; amending section 2, chapter 111, Laws of 1971 ex. sess. as amended by section 174, chapter ... (House Bill No. 849), Laws of 1979 and RCW 46.52.150; amending section 64, chapter 155, Laws of 1965 ex. sess. as amended by section 2, chapter 24, Laws of 1977 and RCW 46.61.560; amending section 65, chapter 155, Laws of 1965 ex. sess. as amended by section 4, chapter 167, Laws of 1977 ex. sess. and RCW 46.61.565; amending section 5, chapter 167, Laws of 1977 ex. sess. and RCW 46.61.567; adding new sections to chapter 46.52 RCW; adding a new section to chapter 46.61 RCW; prescribing penalties; and declaring an emergency.

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

NEW SECTION. Section 1. There is added to chapter 46.61 RCW and codified within the subchapter "Stopping, Standing, and Parking" a new section to read as follows:

It is unlawful for the operator of a vehicle to leave the vehicle unattended within the limits of any highway unless the operator of the vehicle arranges for the prompt removal of the vehicle.

NEW SECTION. Sec. 2. There is added to chapter 46.52 RCW a new section to read as follows:

A law enforcement officer discovering an apparently abandoned vehicle or abandoned vehicle hulk shall attach to the vehicle a readily visible notification sticker. The sticker shall contain the following information:

- (1) The date and time the sticker was attached;
- (2) The identity of the officer;
- (3) A statement that if the vehicle is not removed within twenty-four hours from the time the sticker is attached, the vehicle may be taken into custody and stored at the owner's expense; and
- (4) The address and telephone number where additional information may be obtained.

If the vehicle has current Washington registration plates, the officer shall check the records to learn the identity of the last owner of record. The officer or his department shall make a reasonable effort to contact the owner by telephone in order to give the owner the information on the notification sticker.

NEW SECTION. Sec. 3. There is added to chapter 46.52 RCW a new section to read as follows:

If the vehicle or hulk is not removed within twenty-four hours from the time the notification sticker is attached, the law enforcement officer may take custody of the vehicle or hulk and provide for the vehicle or hulk's removal to a place of safety.

For the purposes of this section a place of safety includes the business location of a registered disposer.

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

(1) When a vehicle or hulk is impounded pursuant to RCW 46.61.565 or section 3 of this 1979 act, 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 owner 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 owner 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 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 owner 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 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 sections 2 through 4 of this 1979 act or under RCW 46.61.565 shall be at the owner's 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.

NEW SECTION. Sec. 5. There is added to chapter 46.52 RCW a new section to read as follows:

When a vehicle or hulk is impounded pursuant to sections 2 through 4 of this 1979 act or RCW 46.61.565 and the registered owner has made a timely request for a hearing, the registered owner may regain possession of the vehicle pending the outcome of the hearing by posting a sufficient cash bond to be held in trust by the registered disposer or such other security as the department may by rule require.

NEW SECTION. Sec. 6. There is added to chapter 46.52 RCW a new section to read as follows:

(1) Any person shall be guilty of a misdemeanor who:

(a) Conducts or attempts to conduct a sale of or sells an abandoned vehicle or abandoned vehicle hulk pursuant to RCW 46.52.111 and 46.52.112 without being properly registered as a registered abandoned vehicle disposer; or

(b) Removes a vehicle from private property pursuant to law and fails to notify the appropriate law enforcement agency of such removal.

(2) Any person who knowingly makes a false statement in any document prepared in connection with the disposition of an abandoned vehicle or

abandoned vehicle hulk pursuant to this chapter shall be guilty of a gross misdemeanor.

Sec. 7. Section 3, chapter 42, Laws of 1969 ex. sess. and RCW 46.52-.102 are each amended to read as follows:

(1) An "abandoned vehicle" for the purposes of this chapter shall mean any vehicle left within the limits of any highway or upon the property of another without the consent of the owner of such property for a period of twenty-four hours(;) or longer, except that a vehicle shall not be considered abandoned if its owner or operator is unable to remove it from the place where it is located and so notifies law enforcement officials and requests assistance.

(2) An "abandoned (~~automobile~~) vehicle hulk" for the purposes of this chapter shall mean the abandoned remnant or remains of a motor vehicle which is inoperative and cannot be made mechanically operative without the addition of vital parts or mechanisms and the application of a substantial amount of labor to effect repairs.

(3) A "registered abandoned vehicle disposer" or a "registered disposer" means any currently licensed tow truck operator, garage keeper, or other person engaged in the business of removing, storing, or disposing of vehicles, abandoned vehicles, or abandoned vehicle hulks, including vehicles or hulks removed pursuant to RCW 46.61.565 and section 3 of this 1979 act, and who is properly registered and licensed pursuant to RCW 46.52.108 as now or hereafter amended.

Sec. 8. Section 39, chapter 281, Laws of 1969 ex. sess. as amended by section 164, chapter ... (House Bill No. 849), Laws of 1979 and RCW 46-.52.104 are each amended to read as follows:

A registered owner transferring a motor vehicle shall be relieved from personal liability under RCW 46.52.106, 46.52.111, 46.52.112 (~~and~~), 46-.52.117, and section 4 of this 1979 act if within five days of the transfer he transmits to the department of licensing, on a form prescribed by the director of licensing, notice that he has transferred his interest in the vehicle, the name of the transferee, and the date on which the transaction was made.

Sec. 9. Section 4, chapter 42, Laws of 1969 ex. sess. as amended by section 40, chapter 281, Laws of 1969 ex. sess. and RCW 46.52.106 are each amended to read as follows:

~~((The abandonment of))~~ When any vehicle or (~~automobile~~) hulk (~~shall constitute~~) is left on the highway such that the vehicle or hulk may be removed under sections 2 through 4 of this 1979 act or RCW 46.61.565 there is a prima facie presumption that the last owner of record is responsible for such (~~abandonment~~) action and thus liable for any costs incurred in removing, storing and disposing of such (~~motor~~) vehicle or (~~automobile~~) hulk. A registered owner who has complied with the requirements of

RCW 46.52.104 in the transfer of ownership of the vehicle or hulk shall be relieved of liability under this section and under section 4 of this 1979 act.

Sec. 10. Section 5, chapter 42, Laws of 1969 ex. sess. as last amended by section 165, chapter ... (House Bill No. 849), Laws of 1979 and RCW 46.52.108 are each amended to read as follows:

~~((The director of licensing may appoint any tow truck operator engaged in removing and storing of abandoned motor vehicles for the purpose of disposing of certain abandoned vehicles and automobile hulks. Each such appointment shall be contingent upon the submission of an application to the director and the making of subsequent reports in such form and frequency as may be required by rule and regulation and upon the posting of a surety bond in the amount of three thousand dollars to ensure compliance with RCW 46.52.111 and to compensate the owner of any vehicle that has been unlawfully sold as a result of any negligence or misconduct of the tow truck operator.~~

~~Any appointment may be canceled by the director upon evidence that the appointed tow truck operator is not complying with all laws, rules and regulations relative to the handling and disposition of abandoned motor vehicles:))~~

(1) Any registered disposer as defined in this chapter who engages in removing, storing, or disposing of vehicles, abandoned vehicles, or abandoned vehicle hulks without having first applied for and received a registration certificate from the department of licensing authorizing him to engage in such activities is guilty of a gross misdemeanor.

(2) Application for an abandoned vehicle disposer registration shall be made on forms furnished by the department of licensing and shall be signed by the applicant or his agent and shall include the following information:

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

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

(c) A certificate of approval from either the chief of police of any city or town having a population over five thousand persons or, in all other instances, from a member of the Washington state patrol certifying that:

(i) The applicant has an established place of business at the address shown on the application;

(ii) The place of business has adequate and secure storage facilities accessible to the public where vehicles and their contents can be properly stored and protected; and

(iii) Any other information the department may require.

(3) Before issuing a license to a registered disposer the department shall require the applicant to file with the department a surety bond in the amount of three thousand dollars running to the state and executed by a

surety company authorized to do business in the state. Such bonds shall be approved as to form by the attorney general and conditioned that such registered disposer shall conduct his business in conformity with the provisions of this chapter pertaining to vehicles, abandoned vehicles, or abandoned vehicle hulks, and to compensate any person, company, or the state for failure to comply with this chapter, or for fraud, negligence, or misrepresentation in the handling of these vehicles. Injured parties shall have the right to institute an action for recovery against the registered disposer and the surety upon the bond. Successive recoveries against the bond shall be permitted but the aggregate liability of the surety to all persons shall in no event exceed the amount of the bond. Upon exhaustion of the penalty of the bond or cancellation of the bond by the surety, the registration of the disposer shall automatically be canceled.

(4) (a) Each original application shall be accompanied by a fee of five dollars. If the application is approved the department shall forward the fee to the state treasurer for deposit in the motor vehicle fund. The department shall forward a license to the registered disposer which shall be prominently displayed to signify that he is authorized to do business as a registered disposer.

(b) A license issued to a registered disposer shall remain in force until suspended, revoked, canceled for bond expiration, or canceled for insurance expiration.

(c) Whenever a registered disposer has had a bond or insurance canceled, a license suspended or revoked, or has ceased to do business, the license shall be immediately surrendered to the department.

(5) Each registered disposer shall carry insurance in such amount proportional to the size of the registered disposer's business as the department may by rule require to protect against vehicle damage, including but not limited to fire and theft, from the time a vehicle comes into his custody until it is sold or reclaimed. Each registered disposer shall also carry at least fifty thousand dollars of liability insurance for property damage or bodily injury.

(6) The director may by order suspend or revoke the license for any registration as a registered disposer if he finds that the registrant has not complied with or is not complying with any law, rule, or regulation relative to the handling or disposition of vehicles, abandoned vehicles, or abandoned vehicle hulks, or has been adjudged guilty of violating any such law, rule, or regulation. For the purpose of this section, the term adjudged guilty means, in addition to a final conviction in either a state or municipal court, an unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court, the payment of a fine, a plea of guilty, or a finding of guilt regardless of whether the imposition of sentence is deferred or the penalty is suspended.

(7) Any ~~((tow truck operator))~~ registered disposer under contract to a city or county for the impounding of vehicles shall comply with such administrative regulations relative to the handling and disposing of vehicles as may be promulgated by such city or county and as hereinafter set forth.

Sec. 11. Section 46.52.110, chapter 12, Laws of 1961 as last amended by section 166, chapter ... (House Bill No. 849), Laws of 1979 and RCW 46.52.110 are each amended to read as follows:

It shall be the duty of the sheriff of every county, the chief of police or chief police officer of every incorporated city and town of this state, constables, and members of the Washington state patrol to report immediately to the chief of the Washington state patrol all motor vehicles reported to them as stolen or recovered, upon forms to be provided by the chief of the Washington state patrol.

In the event that any motor vehicle reported as stolen has been recovered, the person so reporting the same as stolen shall be guilty of a misdemeanor unless he shall report the recovery thereof to the sheriff, chief of police, or other chief police officer to whom such motor vehicle was reported as stolen.

Upon receipt of such information the chief of the Washington state patrol shall ~~((file))~~ enter the ~~((same))~~ information in a "stolen vehicle index". He shall also ~~((file))~~ enter any reports of vehicles stolen in other states and reported to him as such. It shall be the duty of the chief of the Washington state patrol to keep a ~~((file))~~ record of all vehicles reported to him as recovered.

~~((The chief of the Washington state patrol shall publish at least once a month a list of all vehicles reported as stolen and not reported as having been recovered and all abandoned vehicles and forward a copy of such list to every sheriff in this state, the chief of police or chief police officer of every incorporated city and town with a population in excess of three thousand inhabitants, each member of the Washington state patrol and the cognizant state officer of each state in the United States.))~~

Such information shall be provided by the chief of the Washington state patrol for the use of the director of licensing as will permit the director to check the motor or serial number set forth in any application for certificate of ownership or certificate of license registration against such "stolen vehicle index" and no such certificates shall be issued upon any vehicle recorded as stolen and the director shall immediately inform the chief of the Washington state patrol of any application upon any such vehicle.

It shall be the duty of the sheriff of every county, the chief of police or chief police officer of each incorporated city and town, members of the Washington state patrol and constables to report to the chief of the Washington state patrol all vehicles or ~~((automobile))~~ vehicle hulks found abandoned on a public highway or at any other place and the same shall thereafter, at the direction of such law enforcement officer, be ~~((placed in~~

~~the custody of a tow truck operator))~~ disposed of as provided in this chapter.

Sec. 12. Section 7, chapter 42, Laws of 1969 ex. sess. as last amended by section 167, chapter ... (House Bill No. 849), Laws of 1979 and RCW 46.52.111 are each amended to read as follows:

~~((Such tow truck operator))~~ (1) A registered disposer shall take custody of ~~((such abandoned))~~ any vehicle or ~~((automobile))~~ hulk(;) placed in his custody by a law enforcement officer pursuant to RCW 46.61.565 or section 3 of this 1979 act and shall remove the ~~((same))~~ vehicle or hulk to the established place of business of the ~~((tow truck operator))~~ registered disposer where the ~~((same))~~ vehicle or hulk shall be stored, and ~~((such tow truck operator))~~ the registered disposer shall have a lien upon ~~((such))~~ the vehicle or hulk for services provided in the towing and storage of the ~~((same))~~ vehicle or hulk, ~~((and))~~ 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 ~~((such))~~ the vehicle or hulk for services provided in the towing and storage of the ~~((same))~~ vehicle or hulk, not to exceed the sum of ~~((one))~~ 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 ~~((five days))~~ twenty-four hours after receiving custody of ~~((such abandoned))~~ the vehicle or ~~((automobile))~~ hulk from the law enforcement officer, the ~~((tow truck operator))~~ registered disposer shall give notice of his custody to the department of licensing and the ~~((chief of the))~~ Washington state patrol ~~((and))~~. 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 vehicles 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 ~~((five))~~ three days after ~~((having received))~~ receiving the names and addresses of the owners~~((;he))~~ from the department or the law enforcement officer, the registered disposer shall ~~((notify))~~ send a notice to the registered and legal owners of the ~~((same with copies of such notice being sent to the chief of the Washington state patrol and to the department of licensing. The notice to the registered and legal owner shall be sent by the tow truck operator))~~ vehicle to the last known addresses of ~~((said))~~ the



owners ~~((appearing))~~ as the addresses appear on the records of the department ~~((of licensing, and such notice shall be sent to the registered and legal owner))~~ by certified or registered mail ~~((with a five-day))~~, return receipt requested. ~~((Such))~~ The notice shall contain a description of the vehicle or hulk including its license number ((and/or motor number if obtainable,)) and vehicle identification number and shall state the amount due the ((tow truck operator)) registered disposer for services in the towing and storage of the ((same)) vehicle or hulk and the time and place of public sale if the amount remains unpaid((:

~~The department of licensing shall supply the last known names and addresses of registered and legal owners of abandoned vehicles or automobile hulks appearing on the records of the department to tow truck operators on request without charge)) or if possession of the vehicle is not otherwise regained pursuant to section 5 of this 1979 act. The notice shall not be sent if the registered owner has regained possession of the vehicle pursuant to section 5 of this 1979 act. 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.

Sec. 13. Section 8, chapter 42, Laws of 1969 ex. sess. as last amended by section 168, chapter ... (House Bill No. 849), Laws of 1979 and RCW 46.52.112 are each amended to read as follows:

If, after the expiration of fifteen days from the date of mailing of notice to the registered and legal owner, the vehicle or ~~((automobile))~~ hulk remains unclaimed and has not been listed as a stolen or recovered vehicle, then the ~~((tow truck operator))~~ registered disposer having custody of such vehicle or hulk shall conduct a sale of the same at public auction after having first published a notice of the date, place and time of such auction in a newspaper of general circulation in the county in which the vehicle is located not less than three days before the date of such auction.

Such ~~((abandoned))~~ vehicle or ~~((automobile))~~ hulk shall be sold at such auction to the highest bidder. The proceeds of such sale, after deducting the towing and storage charges due the ~~((tow truck operator))~~ registered disposer, including the cost of sale, which shall be computed as in a public auction sale of personal property by the sheriff, shall be certified one-half to the county treasurer of the county in which the vehicle is located to be credited to the county current expense fund, and one-half to the state treasurer to be credited to the highway safety fund. If the amount bid at the

auction is insufficient to compensate the ~~((tow truck operator))~~ registered disposer for his towing and storage charges and the cost of sale, such ~~((tow truck operator))~~ registered disposer shall be entitled to assert a claim for any deficiency, not to exceed ~~((one))~~ two hundred dollars less the amount bid at the auction, against the last registered owner of such vehicle or ~~((automobile))~~ hulk. 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.

After the public auction and sale of any ~~((abandoned))~~ vehicle or ~~((automobile))~~ hulk as in this section provided, and after an application for certificate of title accompanied by applicable fees and taxes and supported by an appropriate affidavit reciting compliance with the procedures of this chapter has been submitted, the ~~((director))~~ department of licensing shall issue a certificate of title showing ownership of the vehicle or ~~((automobile))~~ hulk in the name of the successful bidder at such auction. The issuance of such certificate of title by the ~~((director of licensing))~~ department shall terminate any and all rights or claims of prior lienholders and all rights of former owners in and to such vehicle or ~~((automobile))~~ hulk.

The ~~((director of licensing))~~ department shall establish such additional administrative rules and regulations, not inconsistent with the provisions of this chapter, as may be necessary to facilitate the disposition of ~~((abandoned))~~ vehicles and ~~((automobile))~~ hulks in those instances where the ownership of such a vehicle or hulk is not known.

Sec. 14. Section 9, chapter 42, Laws of 1969 ex. sess. as amended by section 169, chapter ... (House Bill No. 849), Laws of 1979 and RCW 46-.52.113 are each amended to read as follows:

Any vehicle left in a garage for storage more than five days where the same has not been left by the registered owner under a contract of storage and has not during such period been removed by a person leaving the same shall be an abandoned vehicle and notice shall be given to the registered and legal owner and to the chief of the Washington state patrol and to the department of licensing of the existence of such abandoned vehicle. Any garage keeper failing to report such fact to the chief of the Washington state patrol and the department ~~((of licensing))~~ within ten days after the commencement of such storage shall forfeit any claim for the storage of such vehicle. All such vehicles considered abandoned by being left in a garage shall be disposed of by the garage keeper, if such keeper is a registered abandoned vehicle disposer, in accordance with the procedure prescribed in RCW 46.52.111 and 46.52.112.

Except for the forfeiture of claim for storage as set forth herein for failure to report vehicles left in excess of five days, nothing in this section shall be construed to impair any lien for storage accruing to a garage keeper under other law of this state.

Sec. 15. Section 10, chapter 42, Laws of 1969 ex. sess. and RCW 46.52.114 are each amended to read as follows:

A ~~((tow truck operator))~~ registered disposer, registered and bonded in accordance with RCW 46.52.108, who shall tow, transport, or store any vehicle whether by contract or at the direction of any public officer, shall have a lien upon ~~((such))~~ the vehicle but not upon the personal items within the vehicle so long as the ~~((same))~~ vehicle remains in his possession, for the charges for ~~((such))~~ towing, transportation or storage; except that if the removal of the vehicle is determined to be invalid, the registered disposer shall only have a lien for the charges that accrue after the determination of invalidity. If ~~((such))~~ a vehicle remains unclaimed for five days, it may be deemed abandoned and subject to the provisions of RCW 46.52.111 and 46.52.112.

Sec. 16. Section 2, chapter 42, Laws of 1969 ex. sess. as last amended by section 170, chapter ... (House Bill No. 849), Laws of 1979 and RCW 46.52.115 are each amended to read as follows:

The director of the department of licensing, in cooperation with the chief of the Washington state patrol and other law enforcement agencies throughout this state, after appropriate notice and hearing, shall establish ~~((from time to time))~~ rules ((and regulations for the disposition of abandoned vehicles and abandoned automobile hulks not inconsistent with)) to carry out the provisions of this chapter.

Sec. 17. Section 11, chapter 42, Laws of 1969 ex. sess. as amended by section 171, chapter ... (House Bill No. 849), Laws of 1979 and RCW 46.52.116 are each amended to read as follows:

A city or county may adopt an ordinance or resolution establishing procedures for the disposition of abandoned vehicles. Any vehicle impounded pursuant to an ordinance or resolution of any city or county ~~((and left unclaimed for a period of fifteen days shall be deemed to be an abandoned vehicle, and at the expiration of such period said vehicle shall be deemed to be in the custody of the sheriff of the county where said vehicle is located and the sheriff of the county shall deliver the vehicle to a tow truck operator who shall dispose of such vehicle))~~ shall be processed in the manner provided in RCW 46.52.111 and 46.52.112~~((: PROVIDED, That if the vehicle is of a model year ten or more years prior to the calendar year in which such vehicle is stored, the sheriff may be authorized to declare that such vehicle is a public nuisance, and may dispose of such vehicle without notice of sale, and in such case, the director of licensing shall issue an appropriate bill of sale to the tow truck operator to dispose of the vehicle as he may determine))~~.

Sec. 18. Section 1, chapter 111, Laws of 1971 ex. sess. and RCW 46.52.145 are each amended to read as follows:

For the purposes of RCW 46.52.145 through 46.52.160, unless a different meaning is plainly required:

(1) "Abandoned junk motor vehicle" means any motor vehicle substantially meeting the following requirements:

(a) Left on private property for more than ~~((seventy-two))~~ twenty-four hours without the permission of the person having right to the possession of the property, or a public street or other property open to the public for purposes of vehicular travel or parking, or upon or within the right of way of any road or highway, for ~~((forty-eight))~~ twenty-four hours or longer;

(b) Three years old, or older;

(c) Extensively damaged, such damage including but not limited to any of the following: A broken window or windshield, missing wheels, tires, motor, or transmission;

(d) Apparently inoperable;

(e) Without a valid, current registration plate;

(f) Having a fair market value ~~((of fifty dollars or less))~~ equivalent to the value of the scrap therein, only.

(2) "Motor vehicle wrecker" means 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 secondhand parts of component material thereof, in whole or in part, and deals in secondhand motor vehicle parts.

(3) "Scrap processor" means a licensed establishment that maintains a hydraulic baler and shears, or a shredder for recycling automobile salvage.

Sec. 19. Section 2, chapter 111, Laws of 1971 ex. sess. as amended by section 174, chapter ... (House Bill No. 849), Laws of 1979 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, the serial number or vehicle identification number if available, and shall also detail the damage or missing equipment to ~~((substantiate the value at fifty dollars or less))~~ verify that the value of such abandoned junk vehicle is equivalent to the value of the scrap metal therein, only.

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

Sec. 20. Section 64, chapter 155, Laws of 1965 ex. sess. as amended by section 2, chapter 24, Laws of 1977 and RCW 46.61.560 are each amended to read as follows:

(1) Outside of incorporated cities and towns no person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon the roadway.

(2) Subsection (1) of this section, RCW 46.61.570, and 46.61.575 shall not apply to the driver of any vehicle which is disabled in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the vehicle in such position. The driver shall nonetheless arrange for the prompt removal of the vehicle as required by section 1 of this 1979 act.

(3) Subsection (1) of this section shall not apply to the driver of a public transit vehicle who shall temporarily stop his vehicle upon the roadway for the purpose of and while actually engaged in receiving or discharging passengers at a marked transit vehicle stop zone approved by the state highway commission or a county upon highways under their respective jurisdictions.

Sec. 21. Section 65, chapter 155, Laws of 1965 ex. sess. as amended by section 4, chapter 167, Laws of 1977 ex. sess. and RCW 46.61.565 are each amended to read as follows:

Any police officer may take custody of a vehicle and provide for its prompt removal to a place of safety under any of the following circumstances:

(1) ~~Whenever any police officer finds a vehicle standing upon ((a highway)) the roadway in violation of any of the provisions of RCW 46.61.560, ((such)) the officer is hereby authorized to provide for the removal of ((such)) the vehicle ((to a place of safety)) or require the driver or other person in charge of the vehicle to move the ((same;)) vehicle to a position off the ((main-traveled part of such highway. For the purpose of this section, a place of safety may include the business location of a towing service)) roadway.~~

(2) ~~Whenever any police officer finds a vehicle unattended upon any highway where ((such)) the vehicle constitutes an obstruction to traffic or jeopardizes public safety((, such officer is hereby authorized to provide for the removal of such vehicle to a place of safety)).~~

(3) ~~Whenever a police officer finds an unattended vehicle at the scene of an accident or when the driver of any vehicle involved in an accident is physically or mentally incapable, or too intoxicated, to decide upon steps to be taken to protect his or her property((, the officer may provide for the removal of the vehicle to a place of safety)).~~

(4) ~~Whenever the driver of a vehicle is arrested and taken into custody by a police officer, and the driver, because of intoxication or otherwise, is mentally incapable of deciding upon steps to be taken to safeguard his or her property((, a police officer may provide for the removal of the vehicle to a place of safety)).~~

(5) Whenever a police officer discovers a vehicle which he determines to be a stolen vehicle.

(6) Nothing in this section shall derogate from the powers of police officers under the common law. For the purposes of this section, a place of safety may include the business location of a registered disposer as defined in RCW 46.52.102.

Sec. 22. Section 5, chapter 167, Laws of 1977 ex. sess. and RCW 46-.61.567 are each amended to read as follows:

The Washington state patrol, under its authority to remove vehicles from the highway, may remove the vehicles directly, through towing operators appointed by the commission and called on a rotational or other basis, through contracts with towing operators, or by a combination of these methods. When removal is to be accomplished through a towing operator on a noncontractual basis, the commission may appoint any towing operator for this purpose upon the application of the operator. Each appointment shall be contingent upon the submission of an application to the commission and the making of subsequent reports in such form and frequency and compliance with such standards of equipment, performance, pricing, and practices as may be required by rule of the commission.

An appointment may be rescinded by the commission at the request of the Washington state patrol upon evidence that the appointed towing operator is not complying with the laws or rules relating to the removal and storage of vehicles from the highway. The costs of removal and storage of vehicles under this section shall be paid by the owner or driver of the vehicle and shall be a lien upon the vehicle until paid, unless the removal is determined to be invalid.

Rules promulgated under this section shall be binding only upon those towing operators appointed by the commission for the purpose of performing towing services at the request of the Washington state patrol. Any person aggrieved by a decision of the commission made under this section may appeal the decision under chapter 34.04 RCW.

NEW SECTION. Sec. 23. If any provision of this 1979 act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 24. This 1979 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 House April 27, 1979.

Passed the Senate April 23, 1979.

Approved by the Governor May 14, 1979.

Filed in Office of Secretary of State May 14, 1979.