

What to Do If Your Vehicle Has Been Towed

Introduction

The towing of vehicles, which includes cars and other forms of transportation that are licensed and registered with the Department of Licensing (such as motorcycles, trailers or boats), is regulated by state law. These laws are discussed below.

Under what circumstances may my vehicle be towed?

Your vehicle may be towed after an *impound*. An impound is a written order that allows the towing company to tow your vehicle. The person requesting your vehicle be towed shall provide a signed authorization for the impound at the time and place of the impound to the registered tow truck operator before the impound may proceed. As of June 30, 2001, all law enforcement agencies must use the same uniform impoundment authorization and inventory form.

A *private impound* occurs when the vehicle is towed at the request of a person who owns the property where the vehicle is located. The tow company and its agents may not sign the impound authorization as an agent of a property owner. They may not identify a vehicle for impound without authorization from the property owner.

Your car may be towed immediately if it has been illegally left on private residential property, or if it has been illegally left on private non-residential property which has been properly posted (proper posting requires there be a sign giving notice that unauthorized vehicles will be towed and giving the name and contact information of the towing company). It may be towed

twenty-four hours after being illegally left on private non-residential property even if there is no posted notice.

A *public impound* is initiated by a law enforcement officer or a public official having jurisdiction over the public property where the vehicle is located. Here are some circumstances by which the police may take custody of a vehicle and/or provide for its removal:

1. When the vehicle has been left upon or on the side of the public roadways in a manner constituting a hazard;
2. When the vehicle that has been illegally parked on the street or that is parked in parking space for people with disabilities without a proper license plate, card or decal;
3. When the vehicle has been left on a highway and tagged for 24 hours;
4. When the vehicle's registration has been expired for 45 days and it is parked on a public street¹.

Your vehicle may also be towed in the event that you are arrested or charged with any of the following: driving under the influence of drugs or alcohol; driving without a proper driver's license²; or driving with a suspended or revoked license. In any of these instances, you should discuss the fact that your vehicle was impounded with your

¹ There may be other circumstances, not listed here, by which the police may take custody of your vehicle. If the reason your vehicle was taken into police custody is not listed here, you may want to consult an attorney.

² This also includes driving without a required specially endorsed driver's license. Special endorsements are required for certain motor vehicles, including commercial vehicles and motorcycles.

criminal defense lawyer. If you are indigent (financially poor), a lawyer (known as a public defender in some counties) should be assigned to your case.

When your vehicle has been impounded for driving with a suspended or revoked license, your vehicle may be held for up to thirty (30) days at the written direction of the agency ordering the vehicle impounded. If the department's records show that the operator of the vehicle has been convicted of this violation before within the last five (5) years, the vehicle may be held for up to sixty (60) days at the written direction of the department. The vehicle can be held for ninety (90) days if it is found that the operator of the vehicle has been convicted of two or more prior offenses. All removal, towing and storage fees must be paid before the vehicle will be released. Your rights to appeal the impoundment are the same even if your vehicle is towed as a result of one of these criminal offenses. ([RCW 46.55.120](#))

What happens after the tow truck operator takes possession of my vehicle? ([RCW 46.55.100 - 46.55.110](#))

Once the vehicle has been towed, the tow truck operator must immediately notify law enforcement that the towing company has possession of the vehicle. Within six to twelve hours, law enforcement then provides the tow truck operator with the name of the last legal and registered owner of the vehicle. Within twenty-four (24) hours of the impoundment, the tow truck operator must send notification by first class mail of the towing to the legal and registered owners of the vehicle and to the owners of any personal property in the vehicle which is registered or titled with the Department of Licensing. This notification will include the name and address of the towing company, a twenty-four (24) hour phone number to

contact them, and the name of the person or agency that authorized the tow. This notice must also provide you with information on your right to redeem the vehicle and contest the validity of the towing in court. You may request a copy of the form needed for requesting a hearing from the tow truck operator after receiving this notice.

If you have not kept the Department of Licensing informed of your current address, you may not receive this impound notice. You may not use this as a defense against liability for towing expenses because it is your responsibility to give the Department of Licensing your current address.

If the towing was proper, how may I get my vehicle back? ([RCW 46.55.120](#))

You may redeem your vehicle by paying the costs of towing and storage to the tow truck operator who has your vehicle. The tow truck operator is required to keep normal business hours for vehicle redemption purposes. These hours are Monday through Friday from 8 a.m. to 5 p.m., excluding holidays. You may pay by a personal check if the account is in the state of Washington and you have two (2) pieces of valid identification. Keep in mind that if payment is stopped on the check or credit card or if it is returned for insufficient funds, you may be liable for twice the amount of the towing charges as well as reasonable attorney's fees and costs.

People who may redeem the impounded vehicle include the legal owner, the registered owner or a person authorized in writing by the registered owner.

If the towing was improper, how do I challenge it? ([RCW 46.55.120](#))

You are entitled to a hearing in a District or Municipal Court if you believe the towing of

your vehicle was improper. The District Court will hear cases about private impounds and those public impounds authorized by the state or its agents, such as the State Patrol. The Municipal Court will hear cases about public impounds carried out by the municipality such as the local police department. The notice you receive from the towing company will state the name and address of the court where you may request a hearing.

You must request a hearing in writing within ten (10) days of receiving notice of the tow from the towing company or you will have waived (given up) the right to a hearing. Your hearing request should be on the hearing request form required to be provided by the towing company.

You must also pay a court filing fee. It is possible that you may not have to pay this fee if you can show financial need. To request a fee waiver, you must file a form with the court called In Forma Pauperis. Ask the court clerk for the form.

Within five (5) days of requesting a hearing, you will receive a written notice from the court as to your hearing date and time. At the hearing, you and your witnesses, if any, may present evidence as to why the towing of your vehicle was improper.

Towing and storage fees are regulated by statute and are required to be posted at the business location of the towing company. The court is not permitted to hear a challenge to the amount of the fee if the fee is in compliance with the posted rates.

At the end of the hearing, the court will determine if the impound and the fees were proper. If the court decides it was proper, you will be charged for the towing, storage and court costs. If the court decides that the towing of your vehicle was improper, you will not be responsible for any towing and storage fees and all towing and storage fees

that have been paid will be returned to you. The court will then enter a judgment or an order stating that the person or agency authorizing the impoundment owes you money for the filing fees paid as well as reasonable damages for loss of the use of the vehicle.³

If the judge has ordered you to pay the charges at the hearing and you fail to do so within fifteen (15) days, you may be ordered to pay the attorney's fees and costs of the tow truck company in enforcing the judgment in addition to what you already owe. Likewise, if the judge has ordered that you be reimbursed for the charges and you do not receive payment within fifteen (15) days, you may request attorney's fees and costs to enforce the judgment.

For more information on following proper procedures in a hearing please refer to our publication, [Basic Tips on How to Prepare for a Hearing or Trial](#).

What happens to my vehicle and any personal property registered or titled with the Department of Licensing if I do not redeem them or challenge the legality of the towing?

Once your vehicle has been impounded and is in possession of the tow truck operator for 120 consecutive hours, your vehicle and any items of personal property registered or titled with the department will be considered **abandoned** unless you have redeemed them or requested a hearing to challenge the legality of the towing. [NOTE: Items of registered or titled personal property refers to property such as campers, snowmobiles,

³ If the vehicle was impounded for an invalid, revoked or suspended license, the law enforcement officer and the law enforcement agency are not liable for damages if the law enforcement officer had authorized the impoundment in good faith.

jet skis or other vehicles attached to or on the vehicle which has been towed.]

The tow truck operator is required to submit an abandoned vehicle report to the Department of Licensing once the operator has had your vehicle for 120 consecutive hours. The department is required to provide the operator with owner information within seventy-two (72) hours of receiving the abandoned vehicle report. Within twenty-four (24) hours from receiving the owner information (excluding weekends or postal holidays), the operator is required to send by certified mail, return receipt requested, a notice of custody and sale to the legal and registered owners of the vehicle and registered/titled personal property.

If fifteen (15) days or more days have passed since the operator mailed the notice of custody and sale, and you have not redeemed your vehicle or challenged the legality of the towing, the vehicle and the registered/titled personal property shall be sold at a public auction. At any time prior to the auction, you still have the right to buy back the property being auctioned by paying the towing and storage fees. The tow truck company is only required to publish the date and time of the auction in a newspaper of general circulation.

After the vehicle is sold, you may still have a debt to the towing company if their costs are more than the amount received from the sale of your vehicle. This is called a deficiency. The amount of the “deficiency claim” may not be more than \$500, unless the impoundment was authorized by law enforcement. For more information on debt collection, please see our publication, [Debtor’s Rights with Collection Agencies](#).

Will I receive a ticket for an abandoned vehicle?

If a vehicle is found to be abandoned, the last registered owner is liable for any

towing, storage or other impoundment charges and is guilty of a traffic infraction unless (1) the vehicle was stolen and a theft report was filed with law enforcement, in which case the registered owner is not guilty of a traffic infraction but is still liable for the charges, or (2) the vehicle was purchased from you and you properly filed a record of sale or transfer with the Department of Licensing before the date the vehicle was towed, in which case you are not guilty of a traffic infraction and you do not have any liability for the towing and disposal costs.

Will I have my license suspended if I don’t pay debts I am found to owe arising from the towing of an abandoned vehicle?

Yes, the law states that the Department of Licensing shall suspend all driving privileges until the person provides evidence from the court that all penalties and restitution have been paid. A suspension does not take effect if, prior to the effective date of the suspension, the department receives a certificate from the court showing that the case has been settled. See [RCW 46.20.289](#) and [46.55.105](#).

What happens to personal belongings left in the vehicle?

You are always entitled to remove personal belongings from your vehicle after it has been towed. As noted above, personal property which is registered or titled with the Department of Licensing refers to other vehicles attached or connected with the towed vehicle and would not be removable (see above). The tow truck operator having custody of your vehicle must be available during business hours Monday through Friday, excluding holidays, to allow you access to your vehicle. You will need photo identification to access the personal property.

The towing company may not use personal belongings within a vehicle to satisfy a lien for storage costs against you nor may your belongings be sold at auction unless those items of personal property are registered or titled with the department. If you do not claim your personal belongings, the towing company is required to transfer them to the local police department. The police will then send you a notice concerning your property and will continue to store it for at least sixty (60) days.

Any complaints about registered tow truck operators should be addressed to the

Department Of Licensing by calling one of the following numbers depending on your location in Washington State:

- Olympia (360) 664-6475
- Seattle (206) 706-4255
- Spokane (509) 482-3886
- Union Gap (also serving Kennewick, Yakima and Coulee Dam) (509) 575-2777

Information for other offices can be found on www.dol.wa.gov/vs/dl-loc.htm.

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