

What to Do If Your Vehicle Has Been Towed

Introduction

State law regulates the towing of vehicles, which includes cars and other forms of transportation that are licensed and registered with the Department of Licensing (DoL), such as motorcycles, trailers or boats. We discuss these laws below.

When can someone tow my vehicle?

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 asking that 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** is 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 you have left it illegally on private residential property, or if you have illegally left it on private non-residential property which has been properly posted. ("Proper posting" means there is a sign giving notice that unauthorized vehicles will be towed. It also

gives the name and contact information of the towing company.) Your vehicle may be towed twenty-four hours after you have illegally left it on private non-residential property, even if there is no posted notice.

A law enforcement officer or a public official having jurisdiction over the public property where the vehicle is located may start a **public impound**. Some examples of when the police may take custody of a vehicle and/or provide for its removal:

- When you have left the vehicle upon or on the side of the public roadways in such a way that it is a hazard;
- When you have illegally parked the vehicle on the street or in a parking space for people with disabilities without a proper license plate, card or decal;
- When you have left the vehicle on a highway, and it has been tagged for 24 hours;
- 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 if you are arrested or charged with any of the following:

¹ There may be other times, not listed here, when the police may take your vehicle. If the reason your vehicle was taken is not listed here, talk to an attorney.

- 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 cases, you should talk to your criminal defense lawyer about the towing. If you are indigent (low income), you will probably have a lawyer (sometimes called a public defender) 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 days at the written direction of the agency ordering the vehicle impounded. If the department's records show that you have been convicted of this violation before within the last five years, the vehicle may be held for up to sixty days. The vehicle can be held for ninety days if it is found that you have been convicted of two or more prior offenses. You must pay all removal, towing and storage fees before you can get your vehicle back. You can still appeal the impoundment. ([RCW 46.55.120](#))

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

The tow truck operator must immediately notify law enforcement that the towing company has your vehicle. Within six to twelve hours, law enforcement will give the tow truck operator the name of the last legal and registered owner of the vehicle.

² 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.

Within twenty-four hours of the impoundment, the tow truck operator must send notification of the towing by first class mail to:

- The legal and registered owners of the vehicle and
- The owners of any personal property in the vehicle which is registered or titled with DoL.

This notification will include:

- The name and address of the towing company;
- A twenty-four hour phone number to contact them; and
- The name of the person or agency that authorized the tow.

This notice must also explain your right to redeem the vehicle and challenge the validity of the towing in court. You may ask the tow truck operator for the form used for requesting a hearing after getting this notice.

If you have not kept the DoL up on your current address, you may not get this impound notice. This is not a defense against owing towing expenses. It is your responsibility to give the DoL your current address.

The towing was proper. How do 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 must keep normal business hours for you. These hours are Monday through Friday from 8 a.m. to 5 p.m., not counting holidays. You may pay by a personal check if the account is in the state

of Washington and you have two pieces of valid identification. 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, and 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.

The towing was improper. How do I challenge it? ([RCW 46.55.120](#))

You can go to a hearing in a District or Municipal Court if you think the towing of your vehicle was improper. The District Court will hear private impound cases 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 get from the towing company will state the name and address of the court where you may ask for a hearing.

You must ask for a hearing in writing within ten days of getting notice of the tow from the towing company, or you will have waived (given up) your right to a hearing. Your hearing request should be on the form the towing company gave you.

You must also pay a court filing fee. You may not have to pay this fee if you can show financial need. Our publication called [New Court Rule: Feeling Fee Waiver](#) has more information. Our packet called [Filing a Motion for Waiver of Your Filing Fee](#) has forms and instructions.

Within five days of asking for a hearing, you will get a written notice from the court with 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.

Under state law, towing and storage fees must be posted at the business location of the towing company. The court will not let you challenge the amount of the fee if the fee is agreed 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 have to pay 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. All towing and storage fees that you have paid will be returned to you. The court will then order that the person or agency authorizing the impoundment owes you for the filing fees paid and 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 do not do so within fifteen days, you may be ordered to pay the attorney's fees and costs of the tow truck company in enforcing the judgment, on top of what you already owe. Likewise, if

³ If the vehicle was impounded because your license is invalid, revoked or suspended, 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.

the judge has ordered that you be reimbursed for the charges and you do not get payment within fifteen days, you may ask for attorney's fees and costs to enforce the judgment.

Our publication called [Basic Tips on How to Prepare for a Hearing or Trial](#) has more information.

I am not going to redeem my vehicle or my personal belongings. I am not going to challenge the towing in court. What will happen to my vehicle and any personal property registered or titled with DoL now?

Once your vehicle has been impounded and the tow truck operator has it for 120 consecutive hours, your vehicle and any items of personal property registered or titled with DoL will be considered abandoned, unless you have redeemed them or asked for a hearing to challenge the legality of the towing. [Items of registered or titled personal property means property such as campers, snowmobiles, jet skis or other vehicles attached to or on the towed vehicle.]

The tow truck operator must submit an abandoned vehicle report to DoL of Licensing once it has had your vehicle for 120 consecutive hours. DoL must provide the operator with owner information within seventy-two hours of getting the report. Within twenty-four hours of getting the owner information (excluding weekends or postal holidays), the operator must 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 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 before the auction, you can still buy back the property being auctioned by paying the towing and storage fees. The tow truck company only has to publish the date and time of the auction in a newspaper of general circulation. If you want to buy anything back, check your newspaper classified section for the notice.

After the vehicle is sold, you may still have a debt to the towing company if their costs are more than what they got 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. Our publication called [Debtor's Rights with Collection Agencies](#) has more information on debt collection.

Will I get 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:

- 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
- the vehicle was purchased from you and you properly filed a record of sale or transfer with the DoL 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.

I cannot pay what I owe from the towing of my vehicle. Will I have my license suspended?

Yes. State law says DoL must suspend all your driving privileges until you provide evidence from the court that you have paid all penalties and restitution. A suspension does not take effect if, before the effective date of the suspension, DoL gets a certificate from the court showing that you have settled the case. See [RCW 46.20.289](#) and [46.55.105](#).

What happens to the things that I 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 DoL refers to other vehicles attached or connected with the towed vehicle and would not be removable. The tow truck operator who has your vehicle must be

available during business hours Monday through Friday, excluding holidays, to allow you access to your vehicle. You will need photo ID to get your stuff.

The towing company may not use personal belongings within a vehicle to satisfy a lien for storage costs against you. Nor may they sell your things at auction, unless those things are registered or titled with DoL. If you do not claim your stuff, the towing company must give them to the local police department. The police will then send you a notice about your property. They will store it for at least sixty days.

If you have any complaints about registered tow truck operators, call DoL at one of the following numbers, depending on your location:

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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