

# KITSAP COUNTY DISTRICT COURT

## VEHICLE IMPOUND CHECKLIST

This checklist is a summary of the Vehicle Impound Instructions discussed after the checklist –

- \_\_\_ 1. Complete The Hearing Request Form – What Do You Want To Contest? Before filing the Impounded Vehicle Hearing Request form with the Court, make sure to check one or both boxes on the form describing what you want to contest at the impound hearing.
  - Validity of the impound, and/or
  - Amount of the towing and storage charges
  
- \_\_\_ 2. Complete the Hearing Request Form – Party Requesting Hearing? Before filing the Impounded Vehicle Hearing Request form with the Court, make sure to fill out your identifying information (“Party requesting hearing”) and sign the form.
  
- \_\_\_ 3. File Impounded Vehicle Hearing Request Form With The Court. To start an impound case, you must file with the Court the Impounded Vehicle Hearing Request form you received from the tow company. The hearing request form must be received by the Court –
  - (1) within 10 days of the date the tow operator provided you the form; and
  - (2) more than 5 days before auction of the impounded vehicle if an auction is scheduled.Date you received hearing request form from tow company – \_\_\_\_\_.  
Date auction scheduled (if auction is scheduled) – \_\_\_\_\_.  
Date completed hearing request form received by District Court – \_\_\_\_\_.
  
- \_\_\_ 4. \$83 Filing Fee. Unless excused by District Court, you must pay the \$83 filing fee to District Court when the Impounded Vehicle Hearing Request form is filed. See “**PAYMENT OF TICKETS, FINES, AND COURT FEES**” on the District Court website for payment options.
  
- \_\_\_ 5. Waiver of Filing Fee. If you cannot afford the \$83 filing fee, you must file a Vehicle Impound Motion For Waiver Of Fees when the Impounded Vehicle Hearing Request form is filed.
  
- \_\_\_ 6. Litigant Confidential Information Sheet. Provide to District Court if not previously provided or your information has changed.
  
- \_\_\_ 7. Notice Of Court Date. Within 5 days after the Impounded Vehicle Hearing Request form is filed, the clerk will provide a Notice Of Court Date to the parties.  
  
The vehicle impound hearing is in courtroom 203 on (date) \_\_\_\_\_ at 1:30 PM.

\_\_\_ 8. Unable To Appear For A Scheduled Court Date? You have two options –

\_\_\_ Motion To Continue. If you are unable to appear for the scheduled court date, you can ask the judge before the scheduled court date to continue the scheduled court date. You must prepare and file a – (a) Vehicle Impound Motion To Continue; and (b) Vehicle Impound Note For Motion Docket. These documents must be served on all opposing parties, and a Vehicle Impound Declaration Of Service promptly filed.

The motion to continue hearing is in courtroom 203 on (date) \_\_\_\_\_  
at 1:30 PM.

\_\_\_ All Parties Agree To Continue. Unless there is a court order prohibiting you from contacting a party, you could instead contact all opposing parties to see if they will agree to continue the scheduled court date. If all parties agree, you should send an email to the Court [[districtcourt@kitsap.gov](mailto:districtcourt@kitsap.gov)] and all other parties letting the Court know the new court date all the parties would prefer.

If all parties agree to continue the scheduled court date, no hearing will occur on the motion to continue. Instead, the judge will grant the motion to continue and cancel the scheduled court date. The clerk will notify all parties of the new court date.

\_\_\_ 9. Summary Of Case. [This is optional] Prepare a written summary of the facts of your case so you will be organized when you testify before the judge. You may want to include your summary in a Vehicle Impound Declaration Of Witness so the judge can review your testimony in advance of your hearing.

\_\_\_ 10. Witness Declarations. If you or any person is willing to do so under oath, complete a Vehicle Impound Declaration Of Witness discussing facts you or another witness want to tell the judge about your case. Witness declarations should promptly be filed with the court and served on all opposing parties unless there is a court order prohibiting contact. See checklist item 13 for more information about service.

\_\_\_ 11. Exhibits. Gather all your exhibits, such as – photographs, texts, email, social media posts, video and audio recordings, contracts, estimates, receipts, cancelled checks, and other items you want to show the judge at trial.

\_\_\_ Print Electronic Exhibits. If an exhibit is in electronic format (such as texts, email, social media, photographs), print the exhibit. Video and audio recordings do not need to be printed.

\_\_\_ Organize Your Exhibits Into One Packet. Put all your exhibits in the order you want to discuss them during the trial. You may only submit one packet of your exhibits, so make sure to include all of your exhibits in your packet.

\_\_\_ Video And Audio Recordings. Video and audio recordings must be downloaded to a disk or thumb drive in a playable format and placed in an envelope. The envelope should be the last page in your exhibit packet.

\_\_\_ Number Your Exhibits. Every page of each exhibit must have a sequential number at the bottom of the page. The first page will be marked “1” at the bottom, the second page “2”, etc.

\_\_\_ Five Copies Of Your Exhibit Packet. Make at least 5 copies of your exhibit packet. One packet for – (1) the opposing parties (make a separate exhibit packet for the person/agency authorizing the impound and the tow company); (2) the clerk; (3) a bench copy for the judge [optional]; and (4) you.

\_\_\_ Exhibit Binder. [This is optional] An exhibit packet stored in one binder and provided to each recipient will make sure exhibits do not become loose or get out of order.

\_\_\_ 12. Service Of Witness Declarations And Exhibits Due 7 Days Before The Hearing. Unless there is a court order prohibiting contact, your witness declarations and exhibit packet must be served on all opposing parties at least 7 days before the hearing. Please see the link “*Guide to Representing Yourself*” at pages 6 and 7 for service information.

Date served on person/agency authorizing impound – \_\_\_\_\_.

Date served on tow company – \_\_\_\_\_.

\_\_\_ 13. Evidence To Clerk Due 7 Days Before The Hearing. All witness declarations and your exhibit packet must be provided to the clerk at least 7 days before your hearing.

Date provided to clerk – \_\_\_\_\_.

\_\_\_ 14. Declaration Of Service. Unless there is a court order prohibiting contact, you may serve witness declarations and your exhibits on an opposing party. The proper methods for doing so are listed in the Vehicle Impound Declaration Of Service (see paragraph 3 on the form). When an opposing party is served, you must immediately file a Vehicle Impound Declaration Of Service so the judge will know what documents you served and on whom you served them.

Date filed – \_\_\_\_\_.

\_\_\_ 15. Bench Copy Due 7 Days Before The Hearing. [This is optional] If you wisely decide to prepare a bench copy for the judge, all witness declarations and your exhibit packet must be provided to the clerk as a “bench copy” at least 7 days before your hearing. The clerk will forward your bench copy to the judge. Your bench copy will not be returned. Mark the top of the first page of your bench copy as follows –

**“Bench Copy for [insert date] at 1:30 PM in courtroom 203”**

Date provided to clerk – \_\_\_\_\_.

\_\_\_ 16. Judgment Fully Paid. If a judgment was entered, upon full payment the successful party must immediately prepare a Vehicle Impound Satisfaction Of Judgment and file it with the court unless the judge enters a satisfaction of judgment at the hearing. A copy should also be provided to all opposing parties.

\_\_\_ 17. Judgment Paid But Satisfaction Of Judgment Not Filed. If you paid the vehicle impound judgment in full but a Vehicle Impound Satisfaction Of Judgment was not filed by the opposing party, you should prepare and file a – (a) Vehicle Impound Motion For Entry Of Satisfaction Of Judgment; and (b) Vehicle Impound Note For Motion Docket. The documents must be served on all opposing parties, and a Vehicle Impound Declaration Of Service promptly filed.

Your motion hearing is in courtroom 203 on (date) \_\_\_\_\_ at 1:30 PM.

\_\_\_ 18. File Notice Of Appeal. If you want to appeal, file a Notice Of Appeal in District Court within 30 days of the judge’s written decision. For appeal information, see the “**APPEALS**” link at the District Court website.

Date due – \_\_\_\_\_.

Date filed – \_\_\_\_\_.

# KITSAP COUNTY DISTRICT COURT

## VEHICLE IMPOUND CHECKLIST INSTRUCTIONS

**IMPORTANT NOTICE** – District Court personnel are not permitted to fill out any forms. District Court personnel are also not authorized to give legal advice. District Court strongly encourages an unrepresented party to seek legal advice from an attorney. If you need help, please review the “*Guide To Website Forms*” on the District Court website.

The information contained here is intended to address the most frequently asked questions. It is not comprehensive and should not be construed as legal advice.

**IMPORTANT NOTICE REGARDING LITIGANT CONFIDENTIAL INFORMATION** – District Court needs information about every party involved in a case so the court can accurately identify the parties and be able to contact them.

If you have not already done so, please complete a Litigant Confidential Information Form and provide it to the court. You should also use the form to update information previously provided to the court. The form is available at many locations on the District Court website ([www.kitsap.gov/dc](http://www.kitsap.gov/dc)).

**HOW DO I START A VEHICLE IMPOUND CASE? YOU MUST IMMEDIATELY CONTACT THE TOW TRUCK OPERATOR** – It is important that an authorized person or entity (defined below) immediately contact the tow truck operator after a vehicle has been impounded so the authorized person or entity can seek for the vehicle to be “redeemed” (have the vehicle returned by the tow company). Redeeming a vehicle will likely involve the payment of tow company fees before the vehicle will be released. A payment plan may be an option if offered by the tow company.

[Note – The impounded vehicle may be sold at a public auction if it is not redeemed or attempted to be redeemed. Short timelines are involved, so you must act promptly to redeem or attempt to redeem the impounded vehicle or risk having it sold at auction.]

When an impounded vehicle is redeemed or attempted to be redeemed, the tow truck operator will give you an **Impounded Vehicle Hearing Request** form.

[Note – The **Impounded Vehicle Hearing Request** form is a very important document. You cannot start an impound hearing without this form because you must file the completed form with District Court.]

**WHO IS AUTHORIZED TO REDEEM OR ATTEMPT TO REDEEM AN IMPOUNDED VEHICLE?** Washington law defines who may redeem or attempt to redeem an impounded vehicle. RCW 46.55.120(1)(a). Any one of the following persons or entities are authorized to redeem or attempt to redeem an impounded vehicle –

- Legal Owner; or
- Registered Owner; or
- A Person Authorized in Writing by Registered Owner; or
- Vehicle’s Insurer or Vendor. The vehicle’s insurer or a vendor working on behalf of the vehicle’s insurer; or
- Third-Party Insurer or Vendor. A third-party insurer that –
  - (1)(a) has a duty to repair or replace the vehicle, (b) has obtained consent from the registered owner or the owner’s agent to move the vehicle (“owner’s agent” means the legal owner of the vehicle, a driver in possession of the vehicle with the registered owner’s permission, or an adult member of the registered owner’s family), and (c) has documented that consent in the insurer’s claim file; or
  - (2) is a vendor working on behalf of a third-party insurer that has received such consent; or
- Registered Owner’s Permission. A person who is determined and verified to have the permission of the registered owner of the vehicle; or
- Proof of Ownership. A person who has purchased the vehicle who produces proof of ownership or written authorization; or
- Motorcycle/Moped and Accident. A person who is known to the registered or legal owner of a motorcycle or moped that was towed from the scene of an accident while the registered or legal owner is admitted as a patient in a hospital due to the accident.

**CAUTION: 10 DAY AND 5 DAY DEADLINES** – You must act promptly to request an impound hearing. To request a hearing, you must complete and file in District Court the written **Impounded Vehicle Hearing Request** form provided to you by the tow operator. If you lost the form or did not receive one, you must contact the tow company immediately to obtain the form.

You have two time periods with which you must comply to obtain a vehicle impound hearing. RCW 46.55.120(2)(b). District Court must receive the **Impounded Vehicle Hearing Request** form from you –

- 10 Days. Within 10 days of the date the tow operator provided the form to you; and
- 5 Days. More than 5 days before the date of the auction of the impounded vehicle if an auction is scheduled.

When computing the period within which the Impounded Vehicle Hearing Request form must be filed in District Court, the day the tow company provides the form is not included. Time begins to run the following day. The last day of the period is included within the timeframe unless that day is a Saturday, Sunday, or legal holiday as prescribed by RCW 1.16.050. CRLJ 6(a).

**CAUTION: YOU MAY LOSE YOUR RIGHT TO AN IMPOUND HEARING IF YOU DO NOT ACT**

**PROMPTLY** – If the Impounded Vehicle Hearing Request form is not received by District Court within the 10 and 5 day periods, you will not be entitled to a hearing to challenge the impound because your right to a hearing is waived (lost). If you file your Impounded Vehicle Hearing Request form beyond the 10 and 5 day periods, your impound case will be dismissed by the judge. The \$83 filing fee you paid will not be returned. No hearing will be scheduled and you will not be able to discuss your case with a judge.

If an impound hearing is waived because the hearing request form is not received by District Court within the 10 and 5 day periods, the registered owner of the vehicle is liable for any towing, storage, or other impoundment charges permitted under Washington law. RCW 46.55.120(2)(b).

**YOU MUST FULLY COMPLETE THE HEARING REQUEST FORM** – The tow company will complete much of the Impounded Vehicle Hearing Request form before giving the form to you. But you must fully complete the form before filing it with the Court. Make sure to complete the following –

- (1) What do you want to contest? You must check one or both of the boxes on the line which reads –  

**This request is to contest the:**  validity of the impound  amount of towing and storage charges
- (2) Party Requesting Hearing – Information. You must fill out your full legal name, address, and telephone number under the section reading – “**Party requesting hearing**”
- (3) Party Requesting Hearing – Signature. You must provide your signature under the section reading – “**Party requesting hearing**”

**FILE THE HEARING REQUEST FORM WITH DISTRICT COURT** – After you fully complete the Impounded Vehicle Hearing Request form, you must file this form with the Court. The form may be filed by either –

- (1) Emailing it to District Court (**districtcourt@kitsap.gov**); or
- (2) Filing it through the District Court ePortal on the court website (**www.kitsap.gov/dc**); or
- (3) Mailing it to or filing it in person in District Court at 614 Division Street, MS-25, Port Orchard, WA 98366 (**caution** – the mailed form must be **received** by District Court within the 10 and 5 day deadlines discussed above).

An \$83 filing fee is required when a Impounded Vehicle Hearing Request form is filed. For District Court filing fee payment methods, click on the link “**PAYMENT OF TICKETS, FINES, AND COURT**

**FEES.**” For online payment, the case number will be “new vehicle impound.”

If you cannot afford the \$83 filing fee, you must file a Vehicle Impound Motion for Waiver of Fees when the Impounded Vehicle Hearing Request form is filed. The judge will decide whether to waive the \$83 filing fee. The clerk will notify you of the judge’s decision.

**THE CLERK WILL SCHEDULE AN IMPOUND HEARING AND NOTIFY THE PARTIES** – Within five business days after the Impounded Vehicle Hearing Request form is filed with the Court, the clerk will schedule an impound hearing date and time. RCW 46.55.120(3)(a). The clerk will send a Notice Of Court Date to the following –

- (1) You, the party requesting the impound hearing (called “petitioner”); and
- (2) The person or agency authorizing the impound (called “respondent”); and
- (3) The tow truck operator which impounded the vehicle (called “respondent”); and
- (4) The registered owner of the impounded vehicle if not you (called “third party”); and
- (5) The legal owner of the impounded vehicle if not you (called “third party”).

**HOW DO I TALK TO THE JUDGE? YOU MUST FILE A MOTION.** The judge is prohibited from directly speaking with any vehicle impound party except in court. If you want the judge to do something for you which is not otherwise discussed in these instructions, you must file a motion.

**HOW DO I FILE A MOTION?** If a party wants to file a motion so they can ask the judge to do something for them, the party must file three documents – (1) a Motion; and (2) a Vehicle Impound Note For Motion Docket; and (3) promptly file a separate Vehicle Impound Declaration Of Service after serving each opposing party with the first two documents. These three forms and instructions are available on the District Court website in the “**VEHICLE IMPOUNDS**” link.

If you properly follow the procedures outlined on the Vehicle Impound Note For Motion Docket form, the clerk will schedule a motion hearing date so the parties can appear before the judge to discuss your motion.

**WHAT IF I AM UNAVAILABLE FOR A COURT DATE?** District Court permits a party who is located anywhere and has access to the internet to appear for any vehicle impound matter by a Zoom Virtual Hearing. This has greatly reduced the difficulty in appearing on vehicle impound matters because no one is required to personally appear in the courthouse in Port Orchard to have their vehicle impound matter heard by the judge.

Sometimes though, a party is still is not available on a date scheduled for a vehicle impound matter. If a party wants to ask the judge to continue a scheduled court date, the party must promptly file a Vehicle Impound Motion To Continue. See “How Do I File A Motion?” above for the process you must follow to schedule a hearing on your motion to continue the scheduled court date to another date.

A motion to continue must be scheduled for a hearing before the scheduled court date. All parties

must appear for the motion to continue.

Unless there is a court order prohibiting contact, instead of filing a motion to continue you could contact all opposing parties to see if they will agree to continue the scheduled court date. If all parties agree to the continuance, you should email the Court [[districtcourt@kitsap.gov](mailto:districtcourt@kitsap.gov)] and all other parties letting the Court know the new court date all the parties prefer.

If all parties agree to continue the scheduled court date, no hearing will be scheduled by the clerk on the motion to continue. Instead, the judge without a hearing will grant the motion to continue and cancel the scheduled court date. The clerk will notify all parties of the new court date.

Vehicle impound hearings are generally scheduled on Thursdays at 1:30 PM. Vehicle impound hearings where the impounded vehicle was not redeemed and remains with the tow company are scheduled on an emergency basis on Wednesdays at 1:30 PM.

**WHAT IF WE SETTLE BEFORE THE IMPOUND HEARING?** If you settle the dispute with all parties before the vehicle impound hearing, you must inform the Court so the hearing can be canceled and your case dismissed. If you drop the vehicle impound case, the filing fee is not returned.

**WHAT IF THE PERSON REQUESTING THE IMPOUND HEARING FAILS TO APPEAR?** If the person requesting the hearing (“petitioner”) fails to appear for the vehicle impound hearing, the vehicle impound case will be dismissed. The filing fee will not be returned. See “WHAT HAPPENS IF THE IMPOUND AND TOWING AND STORAGE CHARGES ARE FOUND PROPER?” below.

**WHAT IF THE PERSON OR AGENCY AUTHORIZING THE IMPOUND FAILS TO APPEAR?** If the person or agency authorizing the impound (the first “respondent”) fails to appear for the vehicle impound hearing and the person requesting the impound hearing (“petitioner”) contests the validity of the impound, the petitioner may request that a judgment be entered for you and against the respondent. See “WHAT HAPPENS IF THE IMPOUND IS FOUND NOT PROPER?” below.

**WHAT IF THE TOWING COMPANY FAILS TO APPEAR?** If the towing company (the second “respondent”) fails to appear for the vehicle impound hearing and the person requesting the impound hearing (“petitioner”) contests the amount of towing and storage charges, the petitioner may request that a judgment be entered for you against the tow company. See “WHAT HAPPENS IF THE TOWING AND STORAGE CHARGES ARE FOUND NOT PROPER?” below.

**WHAT HAPPENS AT THE IMPOUND HEARING?** At the vehicle impound hearing, the person or persons requesting the impound hearing (“petitioner”) may produce any relevant evidence to show that the impoundment, towing, or storage fees charged were not proper. The Court may also consider a written report made under oath by the law enforcement officer who authorized the impoundment in lieu of the officer’s personal appearing at the hearing. RCW 46.55.120(3)(b).

For information about preparing for your hearing and what will happen at the hearing, please see the link “*Guide To Representing Yourself*” on the District Court website.

**WHAT WILL THE JUDGE DECIDE?** Depending upon what the petitioner contests, the Court shall determine pursuant to RCW 46.55.120(3)(c) –

- (1) Whether the impoundment was proper; and
- (2) Whether the towing and storage fees charged were in compliance with the posted rates; and
- (3) Who is responsible for payment of the fees.

**CAN THE JUDGE ADJUST THE TOWING FEES IF I CANNOT AFFORD THEM?** No. The Court may not adjust towing fees or charges that are found to be in compliance with the posted or contracted rates. RCW 46.55.120(3)(b).

**WHAT HAPPENS IF THE IMPOUND AND TOWING AND STORING CHARGES ARE FOUND PROPER?** If the Court finds the impoundment and towing and storage fees were proper under Washington law, the impoundment, towing, and storage fees together with court costs shall be assessed against the person or persons requesting the impound hearing (“petitioner”). RCW 46.55.120(3)(d).

If you contest the towing and storage fees for a private impound, however, the Court will not assess impoundment, towing, or storage fees against the person or persons requesting the impound hearing where the tow truck operator did not have a signed and valid impoundment authorization from the private property owner or an authorized agent. RCW 46.55.120(3)(d).

**WHAT HAPPENS IF THE IMPOUND IS FOUND NOT PROPER?** If the Court finds the impoundment was not proper under Washington law, the registered and legal owners of the vehicle shall bear no impoundment, towing, or storage fees. RCW 46.55.120(3)(e) requires the following –

- (1) Unredeemed Vehicle Returned. If the impounded vehicle remains in possession of the tow truck operator, the impounded vehicle shall be returned to the owner.
- (2) Judgment For Petitioner Against Tow Company For Towing Fees Paid. The Court shall enter judgment in favor of the party requesting the impound hearing and against the tow truck operator for the impoundment, towing and storage fees paid by the petitioner.
- (3) Judgment For Petitioner Against Party Authorizing Impound For Filing Fee. The Court shall enter judgment in favor of the petitioner for the filing fee unless the fee was waived.
- (4) Judgment For Petitioner Against Party Authorizing Impound For Loss Of Use Damages. The Court shall enter judgment in favor of the registered and legal owners of the vehicle and against the person or agency authorizing the impound for reasonable damages for loss of the use of the vehicle during the time the vehicle was impounded. [but see limitations below]
- (5) Judgment For Tow Company Against Party Authorizing Impound For Towing Fees. The person or agency who authorized the impoundment shall be liable for any towing, storage, or other impoundment fees permitted by law. The Court shall enter judgment in favor of the registered tow truck operator against the person or agency authorizing the impound for the impoundment, towing, and storage fees.

**LOSS OF USE DAMAGES LIMITATION FOR DRIVING WHILE LICENSE SUSPENDED IMPOUND** – If the improper impoundment arose from an alleged violation of driving while license suspended (RCW 46.20.342 or 46.20.345), the law enforcement officer directing the impoundment and government agency employing the officer are not liable for loss of use damages if the officer relied in good faith and without gross negligence on the records of the Department of Licensing in ascertaining the operator of the impounded vehicle had a suspended or revoked driver’s license. RCW 46.55.120(3)(e).

This “good faith” defense precludes recovery by the petitioner for statutory loss of use “damages,” but does not apply to a petitioner’s recovery for impound, towing, and storage fees as well as the filing fee for the impound hearing. *In re 1992 Honda Accord*, 117 Wn.App. 510, 521 (2003).

**WHAT HAPPENS IF THE TOWING AND STORAGE CHARGES ARE FOUND NOT PROPER?** If the towing and storage fees are found not proper, the judge will determine the amounts which are in compliance with posted rates and award the amounts accordingly.

**ENFORCING THE JUDGMENT – REASONABLE ATTORNEYS’ FEES AND COSTS** – If any judgment entered is not paid within 15 days of notice in writing of its entry, the Court shall award reasonable attorneys’ fees and costs against the defendant in any action to enforce the judgment. RCW 46.55.120(3)(e).

The judgment creditor (successful party) may prepare a notice of entry of judgment form and serve the judgment debtor (unsuccessful party) by registered or certified mail. Proof of mailing may be made by affidavit of the party mailing the notice. RCW 46.55.120(3)(e) (see the statute for notice of entry of judgment verbiage).

**DO I HAVE TO DO ANYTHING IF I WIN AND THE JUDGMENT IS PAID IN FULL?** Yes. When a vehicle impound judgment is paid in full, it is the obligation of the judgment creditor (the successful party) to notify the Court so that court records will show the judgment was paid unless the judge already entered a Satisfaction of Judgment in the impound order.

Upon full payment of a judgment, the prevailing party must immediately file a Vehicle Impound Satisfaction Of Judgment with District Court and provide a copy to all opposing parties. RCW 4.56.100.

**HOW DO I PAY IF I LOSE?** Remember, court personnel cannot give legal advice so you may need the assistance of an attorney. The following information is intended to be helpful, but cannot be complete in all circumstances or answer all legal questions.

If you wish to pay a judgment against you without the assistance of your own attorney, the following information may be useful –

- **Option One – Pay In Person.** If you feel comfortable doing so and a court order does not prohibit contact, you may exchange your personal or certified check or money order in person with the prevailing party. If a cash payment is made, make sure to get a receipt dated

and signed by the successful party. Make sure that the case number is included on the check or receipt.

At the same time have the prevailing party complete and sign the Vehicle Impound Satisfaction Of Judgment form. Then file the signed Vehicle Impound Satisfaction Of Judgment with District Court.

Save your original cancelled check, proof of money order, certified check, or cash receipt in the event full payment is later challenged.

- Option Two – Pay By Mail. Unless there is a court order prohibiting contact, you may send your personal or certified check or money order to the prevailing party via the US mail. Certified mail with a return receipt is strongly encouraged, but not required. Do not send cash through the mail. Make sure that the case number is included on the check.

Enclose a Vehicle Impound Satisfaction Of Judgment form with your payment. Also enclose a stamped self-addressed envelope so the prevailing party can return the signed Vehicle Impound Satisfaction Of Judgment form to you. Immediately upon receipt, file the signed Vehicle Impound Satisfaction Of Judgment with District Court.

Save your original cancelled check or proof of money order or certified check in the event full payment is later challenged.

**I PAID BUT THE PREVAILING PARTY WILL NOT SIGN A VEHICLE IMPOUND SATISFACTION OF JUDGMENT** – If the prevailing party refuses or neglects to file a signed Vehicle Impound Satisfaction Of Judgment after you have paid the judgment in full and the judge did not enter a Satisfaction Of Judgment at the impound hearing, you may ask the judge to enter an Order Of Satisfaction Of Judgment. You will need the following –

- A copy of the judgment or the date and amount of the judgment; and
- Sufficient proof that you have in fact paid the judgment in full. Evidence to present to the judge proving you paid the judgment in full may include – (1) the original check returned from the bank and stamped by the bank as negotiated by the prevailing party; (2) a copy of the certified check or money order with verification that it has been negotiated by the prevailing party; (3) the original receipt dated and signed by the prevailing party; and/or (4) the original document dated and signed by the prevailing party confirming “paid in full.”

You will need to prepare a Vehicle Impound Motion For Entry Of Satisfaction Of Judgment and a Vehicle Impound Note For Motion Docket and file these documents with the Court.

Then you need to arrange for service of these two documents on the prevailing party and prepare a separate Vehicle Impound Declaration Of Service for each opposing party when service is complete. You need to then promptly file the Vehicle Impound Declaration Of Service with the Court.

A hearing will be scheduled by the clerk. Make sure to appear at the hearing.

The judge will make a decision about whether or not to enter a satisfaction of judgment by court order. There is no guarantee the judge will grant your motion because only the judge will decide if you have presented sufficient proof the judgment was in fact paid in full.

**HOW DO I COLLECT MY MONEY IF I AM NOT PAID?** A money judgment is a judicial determination of how much money is owed by the judgment debtor to the prevailing party.

If no appeal is taken and the judgment is not paid within 30 days of entry of the judgment, the prevailing party may seek to enforce the judgment. This enables you to proceed with various methods of collection such as – (1) garnishing the judgment debtor’s wages or bank accounts; and/or (2) seeking to obtain personal property owned by the judgment debtor such as vehicles, boats or other property.

Remember, court personnel cannot give legal advice so you may need the assistance of an attorney or collection agency to assist you in collecting your judgment. If the judgment debtor fails to pay, the judge may increase the amount of the judgment to cover the costs of enforcing the judgment.

The prevailing party may be entitled to reasonable attorneys’ fees if an attorney has been consulted to collect the judgment as well as any other costs incurred to collect the judgment.

**CAN I APPEAL IF I LOSE?** Yes. For information about the process to appeal if you lose your vehicle impound case, please see the “**APPEALS**” link on the District Court website.

## **WHEN IS AN IMPOUND PROPER?**

**TWO TYPES OF IMPOUNDS** – Washington law defines “impound” to mean to take and hold a vehicle in legal custody. RCW 46.55.010(4).

There are two types of impounds – public and private. This distinction between a public impound and a private impound is very important because Washington law has significantly different requirements for an impound to be proper depending upon whether the impound is a public impound or private impound.

The judge must first decide whether the impound was public or private. Then the judge will review the requirements for a proper impound under that category.

### **PUBLIC IMPOUND AND PRIVATE IMPOUND DEFINITIONS** –

- **Public Impound.** A “public impound” means that the vehicle has been impounded at the direction of a law enforcement officer or a public official having jurisdiction over the public property upon which the vehicle was located. RCW 46.55.010(4)(a).
- **Private Impound.** A “private impound” means that the vehicle has been impounded at the direction of a person having control or possession of the private property upon which the vehicle was located. RCW 46.55.010(4)(b).

**UNATTENDED VEHICLES MAY BE IMPOUNDED AFTER EXCEEDING TIME RESTRICTIONS** – A vehicle in violation of the time restrictions of RCW 46.55.010(14) (see below) is an “unauthorized vehicle.” An “unauthorized vehicle” may be impounded by a registered tow truck operator at the direction of a law enforcement officer (or other public official with jurisdiction if the vehicle is on public property), or at the direction of the property owner or an agent if the vehicle is on private property. RCW 46.55.080(1).

RCW 46.55.010(14) defines an “unauthorized vehicle” as a vehicle that is subject to impoundment after being left unattended on public or private locations for the indicated period of time.

**PRIVATE IMPOUND TIME RESTRICTIONS** – RCW 46.55.010(14)(b) provides that an “unauthorized vehicle” located on private locations is subject to removal and impoundment –

- (1) **Immediately – Residential Property.** Immediately if an unattended vehicle is located on residential property.  
“Residential property” means property that has no more than four living units located on it. RCW 46.55.010(8).

- (2) Immediately – Posted Nonresidential Property. Immediately if an unattended vehicle is located on private, nonresidential property posted under RCW 46.55.070 as follows –
  - Sign Location And Verbiage. No person may impound, tow, or otherwise disturb any unauthorized vehicle standing on nonresidential private property or in a public parking facility for less than twenty-four hours unless a sign is posted near each entrance and on the property in a clearly conspicuous and visible location to all who park on such property that clearly indicates – (a) The times a vehicle may be impounded as an unauthorized vehicle; and (b) The name, telephone number, and address of the towing firm where the vehicle may be redeemed. RCW 46.55.070(1).
  - Sign Size And Visibility. Signs must measure at least 15” by 24” and the lettering thereon must be clearly visible to all who park. WAC 308-61-145; RCW 46.55.070(3).
- (3) 24 Hours – Not Posted (Or Not Properly Posted) Nonresidential Property. 24 hours after an unattended vehicle is located on private, non-residential property which is not posted or is not properly posted.

**PUBLIC IMPOUND TIME RESTRICTIONS** – RCW 46.55.010(14)(a) provides that an “unauthorized vehicle” located on private locations is subject to removal and impoundment –

- (1) Immediately – Accident Or Hazard. Immediately if an unattended vehicle is constituting an accident or a traffic hazard as defined in RCW 46.55.113 [see **RCW 46.55.113** for the many situations where a law enforcement officer may direct the impoundment of a vehicle]
- (2) 24 Hours – Highway And Tagged. 24 hours after an unattended vehicle is on a highway and tagged as described in RCW 46.55.085.

“Highway” Definition. “Highway” means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel. RCW 46.04.197.

Tag Requirements. A law enforcement officer discovering an unauthorized vehicle left within a highway right-of-way shall attach to the vehicle a readily visible notification sticker. The sticker shall contain the following information – (a) the date and time the sticker was attached; (b) the identity of the officer; (c) 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; (d) a statement that if the vehicle is not redeemed as provided in RCW 46.55.120, the registered owner will have committed the traffic infraction of littering – abandoned vehicle; and (e) the address and telephone number where additional information may be obtained. RCW 46.55.085(1).

- (3) Immediately – Posted Parking Facility. Immediately if an unattended vehicle is located at a publicly owned or controlled parking facility which is properly posted under RCW 46.55.070.

Sign Location And Verbiage. No person may impound, tow, or otherwise disturb any unauthorized vehicle standing on nonresidential private property or in a public parking facility for less than twenty-four hours unless a sign is posted near each entrance and on the property in a clearly conspicuous and visible location to all who park on such property that clearly indicates:– (a) The times a vehicle may be impounded as an unauthorized vehicle; and (b) The name, telephone number, and address of the towing firm where the vehicle may be redeemed. RCW 46.55.070(1).

Sign Size And Visibility. (A) Signs must measure at least 15” by 24” and the lettering thereon must be clearly visible to all who park; and (B) Signs for publicly owned or controlled parking facilities need to disclose that unauthorized vehicles will be impounded and must also disclose a phone number for redeeming a vehicle. If a registered tow truck operator is used, the signs must meet the same requirements as in the posting of private nonresidential property. WAC 308-61-145; RCW 46.55.070(3).

- (4) Immediately – Transit Right-Of-Way. Immediately if an unattended vehicle is located within the right-of-way used by a regional transit authority for high capacity transportation where the vehicle constitutes an obstruction to the operation of high capacity transportation vehicles or jeopardizes public safety.

**ADDITIONAL LAW ENFORCEMENT PUBLIC IMPOUNDS** – A vehicle may be impounded by law enforcement in the following additional situations –

- Unsafe Defective Equipment. Any vehicle operating upon the public highways of this state and at any time found to be defective in equipment in such a manner that it may be considered unsafe shall be an unlawful vehicle and may be prevented from further operation until such equipment defect is corrected and any peace officer is empowered to impound such vehicle until the same has been placed in a condition satisfactory to vehicle inspection. The necessary cost of impounding any such unlawful vehicle and any cost for the storage and keeping thereof shall be paid by the owner thereof. The impounding of any such vehicle shall be in addition to any penalties for such unlawful operation. RCW 46.32.060.
- Defaced Vehicle ID Number. Any vehicle, watercraft, camper, or any component part thereof, from which the manufacturer’s serial number or any other distinguishing number or identification mark has been removed, defaced, covered, altered, obliterated, or destroyed, may be impounded and held by the seizing law enforcement agency for the purpose of conducting an investigation to determine the identity of the article or articles, and to determine whether it had been reported stolen. RCW 46.12.725(1).

**DRIVER ARRESTED – LAW ENFORCEMENT MUST CONSIDER REASONABLE ALTERNATIVES PRIOR TO IMPOUND** – When a driver is arrested prior to impoundment of a vehicle, the Washington Constitution (Const. art. I, §7) provides that the vehicle may only be lawfully impounded after the officer makes an individualized consideration of reasonable alternatives to impoundment. *State v. Villela*, 194 Wn.2d 451, 460-462 (2019).

Not Have To Exhaust All Alternatives. The officer does not have to exhaust all possible alternatives to impoundment, but must at least consider reasonable alternatives.

- *State v. Tyler*, 177 Wn.2d 690, 699 (2013) (Driver and passenger had suspended licenses. Attempt by passenger to locate another driver by cell phone unsuccessful. Impoundment held proper because vehicle jeopardized public safety and officer explored reasonable alternatives prior to impoundment).
- *State v. Froehlich*, 197 Wn.App. 831, 845 (2017) (Reasonable alternatives may include obtaining from the driver the name of someone in the vicinity who could move the vehicle. But a situation may exist where the officer does not have an obligation to specifically ask the driver about reasonable alternatives.).