

# My vehicle was towed

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Learn what to do if your vehicle was towed. This can also help you if you are living in your vehicle and it was towed.

## **1. Right after your vehicle is towed**

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### **How can this help me if my vehicle was towed?**

This guide tells you what to do after your vehicle is towed or taken to the impound lot. Learn how to get a court hearing about the tow. It includes links to the forms you need to ask for the hearing and instructions for the hearing itself.

There are rules about how these processes are **supposed** to happen. **In reality, tow companies and local government agencies often don't follow the rules.** This guide can help you learn what to expect during the process and can help you prepare for where you might have problems depending on your situation.

### **What is an impound?**

It is when a towing company tows your vehicle away. There are 2 types of impounds.

1. **A private impound** is a towing from private property. A tow company can tow your vehicle from private property **immediately** if one of these is true:

- You left it on private property where someone lives without permission or longer than you had permission for.
- You illegally left it on private non-residential property where there is a posted warning sign.
- You illegally left it on private non-residential property that has no posted warning sign **and** you left it there for 24 hours or more.

2. **A public impound** is a towing from public property. Usually you will be towed because law enforcement or a government agency ordered the tow. A public impound could happen if:

- You left your vehicle on the street or the side of the street in a **dangerous way** that could be a hazard or cause an accident.
- You parked on the street in a legal spot but you **stayed longer than the allowed legal time**. For many municipalities, the limit is 72 hours in one spot even if there are not any signs posted that say that.
- You **illegally parked** on the street or in a parking space for people with disabilities without a proper license plate, card, or decal.
- You **left your vehicle on a highway** and it has been tagged or marked as being there for at least 24 hours.
- Your **registration is expired** and you parked on a public street.

The police can take your vehicle for other reasons. [Talk to a lawyer](https://www.mywsba.org/PersonifyEbusiness/Default.aspx?TabID=1536) (<https://www.mywsba.org/PersonifyEbusiness/Default.aspx?TabID=1536>) if your vehicle was taken by the police for other reasons.

## Where does my vehicle get taken to?

It will depend on **who towed** your vehicle.

- If a **city or municipality** towed your vehicle, it might be in the city impound yard. It could also be in a private tow yard.
- If a **private tow** company towed your vehicle, it will be in that company's yard or wherever they store their towed vehicles.

When you first discover that your vehicle was towed, it can be difficult to find out who towed your vehicle and to where. It can help to try to figure out:

- **who** would have towed you
- **why** you would have been towed **based on**

- **where** you were parked

Look for signs that warn about private company towing or parking limits.

If you were towed from a public place, try to contact that city or county to see where they may have taken your vehicle. Sometimes calling the local non-emergency police phone line is a good place to start if you need to locate your vehicle after it was just towed.

## **Can they tow my vehicle from public property without first tagging it and giving me a chance to move it?**

Sometimes. It depends. It will depend on:

- what law they say you have violated
- where you left your vehicle
- the practices of the law enforcement in the place the vehicle was towed from

If you left your vehicle within a highway right-of-way, law enforcement **must** tag your vehicle with a sticker giving you 24 hours to remove it. Other laws let them tow immediately, especially if your vehicle is an obstruction or a danger.

Sometimes local municipalities will tow from public areas with no notice and no tagging at all. This can happen even though it isn't legal. If you got towed from a public area without any kind of notice, try to get legal help.

## **Can they tow my vehicle if they pull me over and arrest me?**

Yes, if the arrest is for driving:

- Under the influence of drugs or alcohol.
- Without a license.
- With a suspended or revoked license.

The police may have to consider "reasonable alternatives" to impounding your vehicle. For example, they could leave it safely with a passenger instead of having it towed. Talk to your **criminal defense lawyer** about the towing. Your criminal defense lawyer is the one who can help you with any defenses you may have to the impound if it was impounded because you were arrested or charged with a crime.

When they tow you for **driving with a suspended or revoked license**, the agency ordering the impoundment can have your vehicle held for up to **30 days**. If you already have one or more convictions for this, they can hold it longer.

You must pay all removal, towing, and storage fees to get your vehicle back. You can still appeal the impoundment by asking for a hearing.

## **What if the towing shouldn't have happened?**

If a towing shouldn't have happened, it is called a "improper tow" or an invalid tow.

Examples of improper towing are:

- Law enforcement didn't give you a reasonable amount of time under the circumstances to move the vehicle yourself, such as not allowing you to put gas in the car or waiting a short time for you to hire a private tow company
- Law enforcement didn't give you a reasonable alternative to the towing like having a passenger or other licensed driver move the vehicle if you can't
- The private property didn't have signs posted and you had parked there less than 24 hours
- You had not been parked longer than 72 hours on public streets
- The tow itself was wrong, like the wrong vehicle or another operator mistake

If you think your tow was improper, the best thing to do is to ask for a hearing about the tow or impound. You should ask for a hearing right away. You have to ask for a hearing within **10 days** of being towed.

## **Can I get a ticket for an abandoned vehicle?**

Maybe. Once the towing company has your vehicle for 120 hours, they consider it abandoned. Then you could get a ticket. There are exceptions:

- Someone stole the vehicle. You filed a theft report with the police. You won't get a ticket. You still owe the charges.
- You sold the vehicle. You filed a record of sale or transfer with the DOL before the towing. You will not get a ticket or have to pay towing or disposal costs.

## I can't pay for the towing or the ticket. Will they suspend my license?

According to a recent Washington Supreme Court decision, your driver's license will no longer be suspended for failure to pay traffic tickets because you can't afford to pay the fines.

Learn more about license suspension in our guides about license suspension issues:

- If you need to try to keep your license from getting suspended
- If your license was already suspended and you want to try to get it back

If your license is already suspended, try to get legal help right away.

## 2. If you live in your vehicle that was towed

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### Can they tow my vehicle if I live in it?

**Yes.** There is no law preventing towing or impoundment if your vehicle is your home. But **your vehicle can't be auctioned off or sold** to pay the impound fees **if it is your home.**

**If you live in your vehicle, you can use your Homestead Act rights to ask to get your vehicle back.** The Homestead Act is a state law that says that your home can't be held or sold in order to pay off your debts. A state Supreme Court case, *City of Seattle vs. Long*, says that the Homestead Act **includes vehicles** that are used as homes. This means that it is illegal for a tow company to sell or auction your vehicle-home from the impound lot to cover the impound and storage fees.

Homestead rights are important if you live in your vehicle because they can protect your vehicle-home from being kept to pay for the impound fees. If you need to ask for your vehicle to be released because of your Homestead Act rights, you will have additional steps and an extra form you will need for your hearing.

## What if the vehicle that I live in was impounded?

If your vehicle that you are living in has been impounded, you should ask for a court hearing about the impound as soon as you know who towed it. **You must ask for the hearing within 10 days of being towed.** Read the chapters in this guide about how to get ready for a hearing, what proof you will need, and what will happen at the hearing. You will need to use the Impounded Vehicle Hearing Request Form (<https://dol.wa.gov/forms/view/430508/download?inline>).

Our guide about living in vehicles explains the special Homestead Act rights process you will need to do for your hearing when you ask for your vehicle back. It also has a special Affidavit of Occupancy form you should use for your hearing. And it has other information that can help you if you live in your vehicle.

If you live in your vehicle, and it is towed, and you can't afford the towing and storage costs, ask for a hearing right away. **You must ask for a hearing within 10 days of being towed.** At the hearing, you will explain your individual financial circumstances and your financial hardship. You will tell the judge what your monthly income and living expenses are and that you have no money to pay the costs.

If your vehicle home was impounded, you can also use the Affidavit of Occupancy form in our guide about living in vehicles. You can still ask for your vehicle to be released using your Homestead Act rights even if you don't use the Affidavit of Occupancy form. The Affidavit of Occupancy form is helpful but not mandatory.

## What if my vehicle is my home and it is scheduled for auction or to be sold?

If you live in your vehicle as your primary home, it **can't be held or sold** to pay your debts. It is protected from being auctioned off or sold under the Homestead Act. Ask for a hearing as soon as you find out about the auction. The court has to get the hearing form at least 5 days before the auction.

Tell the judge at your impound hearing if you have gotten a notice from the towing company that your vehicle will be sold. Tell the judge that the vehicle is your homestead and that it can't be held or sold to pay off any debts. Ask the judge to order the towing company to release your vehicle-home back to you without

payment of any of the impound fees. If the judge refuses to do this, you might have to go to court again to stop the sale. Act fast if you are denied your Homestead Act rights, these processes can move quickly.

If you aren't successful at a hearing and the vehicle you live in is about to be sold, get legal help right away. Don't wait. Be persistent. **Your vehicle-home could be sold in a very short amount of time.** You may also want to write to the towing company that your vehicle is your homestead and it can't be auctioned or sold for the impound costs. You should include the Affidavit of Occupancy form that is in our guide about living in vehicles.

### **If my vehicle is my homestead, does that mean I don't have to pay any impound fees?**

**No.** The Homestead Act protects your vehicle home **from being auctioned off or sold** to pay the impound fees, but you **will** still owe the towing company for the impound fees and storage costs. Ask the court for a payment plan based on your ability to pay. You will still have to pay the payment plan but your vehicle-home should be released to you.

## **3. Dealing with the tow yard**

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### **What happens after they tow my vehicle?**

**During the first 6-12 hours after they towed your vehicle:** Law enforcement gives the tow company your name, if you are the last legal or registered owner.

**During the first 24 hours of the impoundment:** The tow company must mail notice of the towing to the legal or registered owner. The tow company must also mail notice to any owners of any campers or other vehicles attached to or on the impounded vehicle.

#### **The notice should say these things:**

- The tow company's name, address, and a 24 hour phone number to contact them.
- Who authorized the tow.
- How to get the vehicle back.

- How to challenge the towing in court.

## Can I get my vehicle back?

Yes, you can get your vehicle back if:

- you pay for the towing and storage **or**
- you get an order from a court to release your vehicle to you (this doesn't mean you won't have to pay back what you owe)

The tow yard must keep normal weekday business hours for you so you can try to get your vehicle back quickly. (Holidays don't count.) There are daily storage fees. **It can get expensive very quickly.**

The towing company must post towing and storage fees at its business. You can't usually challenge a fee amount that is the same as the posted rates.

## What else do I need to do to get my vehicle back after I pay the fees?

There are other things that you will need to do to get your vehicle back after you pay for it:

- You must bring valid ID to get the vehicle back.
- You should also bring any other proof that you are the registered owner of the vehicle or otherwise are the owner of vehicle, such as the bill of sale.
- If you **aren't** the registered owner, you should try to bring the owner with you to pick up the vehicle. You could also show that you are authorized by the register owner to drive, possess and take the vehicle out of impound. Have something in writing that says this and is signed by the registered owner.

## What happens to the things I left in the vehicle?

**For up to 20 days after the impound**, you can get those things out during the tow company's weekday business hours (not counting holidays). Bring your photo ID and proof that you are the vehicle's owner or have the owner's permission to get your belongings. The towing company can't charge you to get your things out of the vehicle during this 20-day period.

**After 20 days, any belongings still in the vehicle and not claimed are considered abandoned.** The tow company can get rid of it or sell it at auction with the vehicle. If you can't get your stuff out within 20 days, you can give the tow company a **signed personal belongings storage request form**. Then they must store your things for an extra 30 days. The tow company should give you this form when you request it. They should also include it with any initial notices you get from them.

### **What if I think they charged too much for towing and storage?**

The towing company must post towing and storage fees at its business. If the tow company charges you more than the posted rates, you can go to court and try to ask a judge to find that they charged too much. You can't usually challenge a fee amount that is the same as the posted rates.

If you live in your vehicle, you can ask the judge to order the tow company to release your vehicle before you pay the impound and storage fees. You can ask to be able to pay the fees on a payment plan.

**Act fast to ask for a hearing.** If you don't ask for a hearing **in writing within 10 days** of getting the towing notice, you have waived (given up) the right to a hearing. Use the form the towing company gave you or make the tow company fill out the form (<https://dol.wa.gov/forms/view/430508/download?inline>) so you can request the hearing yourself.

### **I am the registered owner. Can someone else get my vehicle from the impound lot for me?**

Yes, but you will have to give written authorized proof for that person to show the tow company or impound lot. It should be a written signed statement that shows your permission and your ownership of the vehicle.

If you bought a vehicle that is in impound or bought a belonging that is inside an impounded vehicle, you will need proof of purchase or receipt for the item in the vehicle or for the vehicle to get it released to you from the impound yard.

## **I am not the vehicle's registered owner. Can I get my things out of it or get it out of the tow yard?**

**Yes**, if one of these is true:

- the owner is with you when you go
- you have signed authorization from the owner allowing you access to the vehicle
- you have proof that you bought the vehicle and now own it

Some tow companies may say that the written authorization from the registered owner has to be notarized, even though this is not required under the law.

## **4. Ask for a hearing**

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### **How do I appeal the impound?**

You ask for a court hearing where you will make your claims to a judge or commissioner. You can try to appeal different things depending on your situation:

- If your vehicle was improperly impounded, you can disagree with the amount of the fees.
- If you need to ask for a payment plan, you can ask the judge to order a payment plan for the fees.
- If you are living in your vehicle, you can claim your Homestead Act rights to have the vehicle released to you with a payment plan for the fees.
- If the tow wasn't valid, you can ask the judge to have the towing company pay the fees.

### **Which court will the hearing be in?**

The tow company notice or Impounded Vehicle Hearing Request Form should have the information about which court the hearing will be at:

- **District Court** is where the hearing will be for private impound cases and public impounds authorized by the state's agents, such as the State Patrol.
- **Municipal Court** is where the hearing will be for public impounds carried out by the local police.
- **In some cities**, like Bellingham, administrative hearing officers decide about impound cases.

## How do I ask for a hearing?

Use the Impounded Vehicle Hearing Request Form (<https://dol.wa.gov/forms/view/430508/download?inline>). The tow company is supposed to give it to you but often they won't. Once you get the form filled out, you use it to ask for court hearing. You will need to give the completed form to the court **within 10 days** of being towed.

## How do I get the hearing request form and give it to the court?

Ask the towing company for the hearing request form. They are supposed to give it to you. It is called the Impounded Vehicle Hearing Request Form (<https://dol.wa.gov/forms/view/430508/download?inline>). You might have to be persistent and follow up. They are supposed to fill out the form and give it to you.

Some courts will **only** accept the form from the towing company or one that the towing company has filled out. You might have to **make** the tow company fill out their portion of the form at the bottom. They should tell you which court it will need to be given to.

Start right away with trying to get the form completed. Some tow companies will make it difficult. **You must give the hearing request form to the court within 10 days of being towed.** The court also has to receive it at least 5 days before the auction if your vehicle is going to be auctioned.

## How do I ask for the kind of hearing I need?

When you complete the form be specific about which kind of hearing you request. The form has 2 check boxes you can choose between to say which kind of hearing this request is for.

You can ask for a hearing to:

1. contest the impound (the “validity of the impound”)
2. challenge the amount of towing and storage charges

You can **also check both boxes** to ask the judge to consider both issues.

If you are arguing your Homestead rights, check the box to contest the amount of the charges.

You can use the online version of the hearing request form (<https://dol.wa.gov/forms/view/430508/download?inline>) from Department of Licensing (DOL). Fill out the form and then ask the tow company to complete the bottom portion that they are required to fill out.

## **What if the tow company won’t give me the hearing request form?**

Towing companies must give the hearing request form to anyone who is the legal owner even if they are not the registered owner or authorized by the registered owner. Even though this is incorrect, many towing companies will not give you the notice or form, or fill out the form, if you are not the **registered** owner.

If the towing company is giving you problems because you are not the registered owner but you are the legal owner, get legal help. Another option if you aren’t the registered owner is to get the registered owner’s help with getting the notice and the form.

If you aren’t the registered owner or didn’t update your address with DOL, you can still ask for a hearing and use the hearing request form.

**If the DOL doesn’t have your current address, you might not get the notice from the towing company.** This is not a defense to owing towing expenses. That means that you won’t be excused from owing towing expenses for not getting the notice because your address was out of date. **When you move, always let the DOL know your new**

address.

Sometimes the tow company will make it hard to get the form, won't fill it out, or will say (wrongly) that they can **only** give the form to the registered owner. Keep asking and follow up. If the tow company keeps refusing to give you the form, contact the District or Municipal court that is involved right away and request a hearing. Tell them that the tow company is refusing to complete the form.

The tow company might be able to refuse to complete their section of the form if you aren't the registered or legal owner. If you aren't the registered or legal owner, you should try to bring the registered or legal owner to get the form filled out.

## Can I ask for an expedited hearing?

**Maybe.** If you are living in your vehicle, you should tell the clerk's office at the court that you are living in the vehicle and request that they schedule a hearing as soon as possible. Whether this will be possible will depend on which court and city you are in. The court will have to coordinate the hearing date with the towing company and law enforcement agency as well, which sometimes results in delays.

## What can the court decide at the hearing?

You can ask for a hearing where a court can decide:

- if your vehicle can be released to you because it is your homestead even if you can't pay the costs right away
- if your vehicle can be released to you because the court has ordered and granted you a payment plan
- if the fees, storage costs or fines are excessive or
- if the fees, storage costs or fines are unconstitutional (**only** if the impound was a public impound)
- if the towing was unlawful

If you live in your vehicle, you can use your Homestead Act rights to ask to get your vehicle back. Homestead rights are important if you live in your vehicle because they can protect your vehicle home from being kept for impound fees. If you live in your vehicle, ask for your vehicle to be released because of your Homestead Act rights.

The Homestead Act protects your vehicle home **from being auctioned off or sold** to pay the impound fees, but you **will** still owe the towing company for the impound fees and storage costs. You can ask the court for a payment plan based on your ability to pay. You ask the court for a payment plan during the hearing.

## Will I have to pay to go to court?

You must usually pay a court filing fee. If you can't afford to pay it, you can ask the court to waive (excuse you from paying) it.

## I missed the 10-day deadline to ask for a hearing. Can I turn in the form late?

Maybe. You might be able to argue that you have good cause for asking late. You can try adding a written statement to your hearing request explaining why you are filing late.

Your written statement should explain your “good causes” for filing late. Here are some examples of what it means to give “good cause”:

- You missed the deadline because you were in the hospital
- You missed the deadline because even though you are the legal owner, the towing company refused to give you the hearing request form because you are not the registered owner

If DOL doesn't have your correct address and due to that the towing company couldn't get you the notice in time, that probably **won't be considered a good cause** for being late with asking for a hearing. You will likely be denied your hearing request.

It can be very dependent on which court clerk helps you and which court you are in whether they will let you file after the 10-day deadline.

## 5. Get ready for the hearing

## How do I find out where my hearing is?

It can be confusing to find out where or when the hearing will be. It should be on your hearing notice. The court clerk might have given the information to you when you filed the form to request a hearing. If you can't find the information about where and when your court date is, call the court clerk to find out.

## How do I get ready for my court date?

Within 5 days after asking for a hearing, the court will send you notice of the hearing date. At the hearing, you and any witnesses can give evidence that the towing or charges were improper. If you need to you can also show that you were living in the vehicle and are entitled to Homestead rights. You can give other proof about your ability to pay or the excessiveness of fines or fees. Read more information about [getting ready for your court date](#).

Before your hearing date, you may be able to ask for "discovery" about the impound. This means you can ask the police department for copies of their records and photos relating to the impound. The court clerk might have a discovery form. Procedures vary. Ask the clerk. You might need to [use a subpoena](#) to get the evidence that you need.

## How do I prepare all my proof for the court?

There are [things you can do to make going to court easier](#). Make sure your documents and evidence are in a [format that the court will accept](#).

You might want to [write a declaration](#) about what happened. You will need to give your declaration to the Judge's clerk at your hearing. **Some courts may make you turn in your declaration ahead of time** so ask the clerk when you file for your hearing. Your declaration can explain:

- Why you think you shouldn't have been towed
- Why you can't afford the costs
- That you need you a payment plan
- Why the tow wasn't valid
- That you live in your vehicle as your primary home and are making your Homestead Act claim (if that is true)

## What other kind of evidence do I need?

Get your other evidence ready before court. Your evidence can include things like:

- Proof that you are the registered or legal owner, that you have their permission or that they are there with you in court.
- Pictures or videos of where you were towed from which show there are no parking signs.
- Pictures or videos of the parking signs if there were signs (if you need to prove that you were towed before the time was up).
- Pictures or videos of the tow happening when it happened.
- Proof of your financial situation like proof of your low income or other inability to pay. You can use evidence of your monthly income and living expenses are. Say that you have no money to pay the costs (as long as that is true).
- Pictures of the fees and costs that are posted at the tow lot (if you believe you are being overcharged).
- Copies of communications with the tow company if you have them.
- Copies of records from the police and your ticket or towing receipt copy.
- Proof that you live in your vehicle. You can use the Affidavit of Occupancy form that is in our [guide about living in vehicles](#).
- Proof that your vehicle is not a junk vehicle.

## **How do I prove that my vehicle is not a junk vehicle?**

To prove that your vehicle is not a junk vehicle you can try to show these things:

- Despite its age, your vehicle still runs and is the vehicle you use for regular transportation.
- Your vehicle should be generally operable and road legal. It doesn't have typical "junk" vehicle problems like broken windows or windshields, missing wheels or tires, or a missing steering wheel.
- Your vehicle has a working motor and transmission.
- Your vehicle has more value than just scrap value.
- Your vehicle was registered and could drive when it broke down just before being towed

You could use things like mechanic receipts or recent pictures to show that your vehicle was operable and not a junk vehicle.

## **How do I give my evidence to the court?**

You might need to submit your evidence to the court **before** the hearing. And you might need to submit the evidence **in special ways** depending on what kind of format the evidence is in. This is especially true for video evidence but there may

also be strict timelines and rules for photo evidence or other kinds of proof. Ask the court clerk about what is required.

## 6. At the hearing

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### What happens at the hearing?

There are differences in the hearing depending on whether the impound was a public impound or a private impound.

#### What happens at a hearing for a public impound?

If it was a **public impound**, you can ask the court to decide:

- if your vehicle can be released to you because it is your homestead even if you can't pay the costs right away
- if your vehicle can be released to you because the court has ordered and granted you a payment plan
- if the fees, storage costs or fines are excessive or unconstitutional
- if the towing was unlawful, or if law enforcement had reasonable alternatives other than impoundment of the vehicle and failed to let you use the alternatives
- If the towing company should have to pay the costs because the tow was unlawful or improper

If it was a **public impound**, you **can** tell the judge at the hearing that the amount of the impound fees and storage costs are excessive under the Constitution. The judicial officer at your impound hearing **must** consider your ability to pay the fees (storage, impound fee, fine, the whole thing) and must lower the costs according to your ability to pay.

At the hearing, explain your individual financial circumstances and your financial hardship. Tell the judge what your monthly income and living expenses are and that you have no money to pay the costs.

If you live in your vehicle, **and it is towed by a government agency**, and you can't afford the towing and storage costs, ask for an exemption based on your Homestead Act rights. You should ask for the release of the vehicle under the

Homestead Act. You can also give the court the Affidavit of Vehicle Occupancy form that is included with our [guide about living in vehicles](#).

## What if it was a public impound by law enforcement?

If it was a public impound by law enforcement, tell the court if there were any reasonable alternatives to the impound. These are some examples of reasonable alternatives to the tow:

- Giving you a reasonable amount of time to put gas in the vehicle
- Giving you time to arrange for a private tow
- Letting you have a passenger drive the vehicle home

A law enforcement officer could testify at the hearing in defense of the tow. You should be prepared to challenge the testimony of the law enforcement officer.

If the fees are excessive, tell the court that you won't be able to afford the excessive storage fees or fines. Tell the court that you are in situation of extreme financial need (so long as that is true) and that the fees will be a barrier to you being able to get your vehicle back. Tell the court what the impacts to your life will be if you can't have your vehicle. If you live in your vehicle, tell the court that and ask for your Homestead Act exemption for your vehicle.

## What happens at a hearing for a private impound?

If it was a **private impound**, the court can decide:

- If the towing was unlawful
- If the towing company should have to pay the costs because the tow was unlawful or improper
- Whether you can be granted a payment plan
- If the vehicle can be ordered to be released under the Homestead Act because it is your vehicle-home

If it was a private impound, tell the judge about your financial hardships and inability to pay. Explain to the judge that you will suffer without your vehicle and ask for a payment plan. A judge might issue you a payment plan for a private impound based on your financial need.

If you are living in your vehicle, ask the judge to release your vehicle to you under the Homestead Act and give the judge the Affidavit of Occupancy form that is in our [guide about living in vehicles](#).

## What happens if I win at the hearing? What happens if I lose?

**If the court decides the towing was improper**, you don't have to pay and the tow company must release your vehicle from impoundment immediately. They must return all fees you already paid. Whoever authorized the impoundment will owe you for filing fees and damages from loss of use of the vehicle. (If law enforcement authorized the impoundment, talk to a lawyer.)

**If the court decides the towing was proper**, you must pay towing, storage, and court costs. Some courts might enter a monthly payment plan if you can't pay the costs off all at once. If your vehicle is your home, your vehicle should be ordered released to you even if you can't pay to have it released and have to pay with a payment plan. You can try to appeal the court's decision if you think it was wrong. Chapter 8 explains more about how to appeal the hearing decision.

## 7. After the hearing

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### I lost in court. What if I don't pay what the judge said I owe?

If you lose in court, a judgment will be entered against you for the full amount of the impound and storage costs. If you still can't pay, the towing company can auction off your vehicle within 15 days of the court hearing unless you live in your vehicle and ask for your Homestead Act exemption.

If the judge gave you a payment plan, you should keep up with the payment plan payments. If you don't keep up with your payment plan, the towing company could try to collect on the judgment.

If you think the court's decision was wrong, you might be able to appeal it. Appeals must be filed within 30 days. Try to get legal help right away if you want to try to appeal the decision.

### What if I don't pick up my vehicle or my belongings? Or if I don't fight the towing in court?

Once the towing company has your vehicle for 120 hours, they consider it (and any campers, or other vehicles attached to or on the towed vehicle) to be abandoned.

After it has your vehicle for 120 hours, the tow company must give DOL an abandoned vehicle report. Within 72 hours of getting that report, DOL must give the tow company your contact info.

Within 24 hours of getting your contact info (not including weekends or holidays) the towing company must mail you a notice of custody and sale. It must include proof of mailing from the post office.

If 15 days or more have passed since mailing the notice of custody and sale, and you have not gotten your vehicle back or challenged the towing, the towing company will sell the vehicle and registered or titled property at public auction.

**Any time before the auction, you can buy back the property by paying towing and storage fees.**

The towing company must run the auction date and time in the newspaper. You can try to buy your things back at the auction.

After the auction, you may still owe the towing company up to \$500 if their costs are more than what they got from selling your vehicle. You may owe more if law enforcement authorized the impoundment.

### **Can the tow company auction my vehicle?**

**Yes.** It could be auctioned at day 15 after the tow company mailed you of notice of custody and sale.

You could be charged for storage costs if your vehicle is auctioned. You could be charged for those first 15 days when it was stored.

If you get your vehicle back before auction, you might have to pay the full storage charge for any days beyond that it was stored even if it was more than the first 15 days.

### **What if the towing company sold my vehicle at auction for more than the costs of towing and storage?**

They must send the extra money to the Washington State motor vehicle fund within 30 days after the auction. The vehicle's registered owner can send the DOL a notarized form asking for the extra money. Use the DOL's Surplus Funds from

Abandoned Vehicle Auction Request form  
(<http://www.dol.wa.gov/forms/430542.pdf>)  
(<http://www.dol.wa.gov/forms/430542.pdf>).

**In reality, this can be difficult, and you may not get any extra money back.** It is much better to try to fight the impound by requesting a hearing than to try to rely on getting back any surplus funds.

## Can I file a complaint against a tow company?

Yes. You can file a complaint if the tow company damaged your personal property or vehicle. To file a complaint against a vehicle transporter licensed by the Washington State Department of Licensing (DOL), you will fill out a complaint form and send it to the DOL.

Filing a complaint is different from asking for a hearing on the impound. To **challenge the impound itself** or to try to get your vehicle released, you **must** ask for a hearing.

You can file a complaint online (<http://www.dol.wa.gov/business/vehicletransport/vtcomplaint.html>). Go to the part of the page that is called **“Online vehicle business complaints”** and click on “File a business complaint.” That will take you to the portal that will begin your complaint form.

You can also fill out the form (<https://dol.wa.gov/forms/view/600006/download?inline>) and email it to [dolbpdcomplaints@dol.wa.gov](mailto:dolbpdcomplaints@dol.wa.gov) (<mailto:dolbpdcomplaints@dol.wa.gov>). You can also mail it to:

Centralized Investigations & Audits Unit  
Department of Licensing  
PO Box 1098 Olympia, WA 98507-1098

If the police or sheriff had your vehicle towed, you may be able to file a complaint with the police department. Check their website for other tow-related complaint forms.

## 8. Appeal the hearing decision

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### Can I appeal the court's decision?

If you think the court's decision was wrong, you might be able to appeal it. Generally, appeals must be filed within 30 days.

File the appeal as soon as possible in case your vehicle will be sent to auction. Tell the tow company that you are appealing the decision and to not auction your vehicle yet.

The specific appeals rules you must use will depend on **which court** the **1st** hearing was in.

- **If your hearing was for a private impound or a public impound that was done by State Patrol**, then you will appeal the initial decision from the **District Court** to that county's **Superior Court**. If your first hearing was in a District or Municipal Court, you will use the Washington State Court Rules: Rules for Appeals of Decisions of Courts of Limited Jurisdiction ([https://www.courts.wa.gov/court\\_rules/?fa=court\\_rules.list&group=clj&set=RALJ](https://www.courts.wa.gov/court_rules/?fa=court_rules.list&group=clj&set=RALJ))
- **If your hearing was for a public impound that was done by local police**, then you will appeal the initial decision from the **Municipal Court** to that county's **Superior Court**.
- **If your hearing was an administrative hearing** (<https://oah.wa.gov/case-preparation/hearings/frequently-asked-questions>) (required by some cities), then you will appeal the initial decision through **either the Board of Appeals** (<https://www.dshs.wa.gov/office-of-the-secretary/board-appeals>) **or a Superior Court** depending on the type of order you received
- **If the towing involved a traffic ticket** and you want to appeal that decision, follow the rules for appealing an infraction decision to Superior Court (<https://app.leg.wa.gov/RCW/default.aspx?cite=46.63.090>). There are also special rules for any hearing you have about mitigating factors (<https://app.leg.wa.gov/rcw/default.aspx?cite=46.63.100>) that led to the infraction.

- If the hearing was in Small Claims court, follow the rules for appealing a small claims court decision

([https://www.courts.wa.gov/newsinfo/resources/?fa=newsinfo\\_jury.display&folderID=brochure](https://www.courts.wa.gov/newsinfo/resources/?fa=newsinfo_jury.display&folderID=brochure))

Appeals can be complicated. Try to get legal help right away if you want to try to appeal the decision.

## How do I appeal a District or Municipal Court's decision?

You appeal the decision to the Superior Court ([https://www.courts.wa.gov/court\\_rules/pdf/RALJ/CLJ\\_RALJ\\_01\\_01\\_00.pdf](https://www.courts.wa.gov/court_rules/pdf/RALJ/CLJ_RALJ_01_01_00.pdf)) of that same county.

Immediately after the 1st hearing, tell the tow company that you are appealing the decision and to not auction your vehicle yet.

To appeal to a Superior Court you must:

1. File your Notice of Appeal  
([https://www.courts.wa.gov/court\\_rules/pdf/RALJ/CLJ\\_RALJ\\_02\\_04\\_00.pdf](https://www.courts.wa.gov/court_rules/pdf/RALJ/CLJ_RALJ_02_04_00.pdf)) form within 30 days of the initial order ([https://www.courts.wa.gov/court\\_rules/pdf/RALJ/CLJ\\_RALJ\\_02\\_05\\_00.pdf](https://www.courts.wa.gov/court_rules/pdf/RALJ/CLJ_RALJ_02_05_00.pdf)) in the Superior Court in the same county. You won't be able to give any new evidence, the appeal can only review whether the court made errors in the ruling. If you don't meet the 30 day deadline, you could lose your right to appeal.
2. There will be additional fees ([https://www.courts.wa.gov/court\\_rules/pdf/RALJ/CLJ\\_RALJ\\_02\\_04\\_00.pdf](https://www.courts.wa.gov/court_rules/pdf/RALJ/CLJ_RALJ_02_04_00.pdf)) for this appeal filing. You can ask for a fee waiver if you can't afford the filing fees.
3. Right after ([https://www.courts.wa.gov/court\\_rules/pdf/RALJ/CLJ\\_RALJ\\_02\\_04\\_00.pdf](https://www.courts.wa.gov/court_rules/pdf/RALJ/CLJ_RALJ_02_04_00.pdf)) you file, give notice of your filing to other involved parties.
4. Within 14 days ([https://www.courts.wa.gov/court\\_rules/pdf/RALJ/CLJ\\_RALJ\\_06\\_02\\_00.pdf](https://www.courts.wa.gov/court_rules/pdf/RALJ/CLJ_RALJ_06_02_00.pdf)) of when you file the Notice of Appeal, you must file a Designation of Record

on Appeal form. This tells the court which part of the case record you want sent from the District Court to the Superior Court. It may be best to ask for the whole case record to be sent. Ask for a “complete typed Transcript of the Electronic Record” or for a recording of the hearing. You must ask for it, the Superior Court won’t automatically request the court hearing record from the District or Municipal court. You also need to give notice to the other parties of the filing of the Designation of Record on Appeal.

5. Within 14 days of when you file the Designation of Record on Appeal form, the clerk should tell you that the record has been prepared and will tell you an additional fee that is related to the case record transfer. You will have 10 days ([https://www.courts.wa.gov/court\\_rules/pdf/RALJ/CLJ\\_RALJ\\_06\\_02\\_00.pdf](https://www.courts.wa.gov/court_rules/pdf/RALJ/CLJ_RALJ_06_02_00.pdf)) to pay **that** fee once you are notified of it unless you got a fee waiver.
6. Once the Designation of Record process is completed, the Superior Court Administrator will send out an Appeal Scheduling Notice and that notice should tell you when the appeal hearing is scheduled for.
7. Make sure the other parties got notice of the hearing appeal court date as well.

If you disagree with the final decision from the Superior Court, then you can try to appeal the Superior Court's decision ([https://www.courts.wa.gov/court\\_rules/pdf/RAP/APP\\_RAP\\_05\\_02\\_00.pdf](https://www.courts.wa.gov/court_rules/pdf/RAP/APP_RAP_05_02_00.pdf)) to the Court of Appeals. This can be very difficult, try to get legal help from a lawyer who is licensed to file in the Court of Appeals.

## How do I appeal from administrative hearing decision?

What you need to do will depend on the **kind of order** you received during the administrative hearing.

Immediately after the administrative hearing, tell the tow company that you are appealing the decision and to not auction your vehicle yet.

- If it's an **Initial Order**, you must first file an appeal with the Board of Appeals (BOA) (<https://www.dshs.wa.gov/office-of-the-secretary/board-appeals>). If you then disagree with the BOA's decision, you can file a Petition for Review of an Administrative Order.
- If the Order is a **Final Order**, you can Petition a Superior Court to review the Administrative Order.

If you Petition a Superior Court to review your Administrative Order, the Superior Court could decide to transfer your case to the state Court of Appeals. If that happens, **try to talk to a lawyer right away**. It's very hard and expensive to represent yourself in the Court of Appeals.

If you need to appeal from administrative hearing decision, it can be difficult. Read our guide about appealing DSHS administrative hearing decisions. Even though it is focused on benefits denials instead of towing hearings, the process will be the same and you can use the form included in that guide.

## **What is a Petition for Review of an Administrative Order?**

If you disagree with the final decision from your administrative hearing, you might be able to appeal your case to Superior Court by filing a Petition for Review of an Administrative Order. You'll file this Petition in the Superior Court of the county where you live **or** in Thurston County Superior Court in Olympia (<https://www.thurstoncountywa.gov/departments/superior-court>).

If you need to file a Petition for Review of an Administrative Order using a Superior Court, it can be difficult. Read our guide about appealing DSHS administrative hearing decisions. Even though it is focused on benefits denials instead of towing hearings, the process will be the same and you can use the form included in that guide.

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