

FINAL BILL REPORT

ESHB 1820

C 360 L 95
Synopsis as Enacted

Brief Description: Regulating towing of vehicles.

Sponsors: House Committee on Transportation (originally sponsored by Representative K. Schmidt).

House Committee on Transportation **Senate Committee on Transportation**

Background: State statute regulates only those tow truck operators who impound vehicles from private or public property and/or tow for law enforcement agencies. Impounds, i.e., the taking and holding of a vehicle in legal custody without the consent of the owner, may only be performed by registered tow truck operators (RTTOs). If on public property, the impound is at the direction of a law enforcement officer; if the vehicle is on private property, the impound is at the direction of the property owner or his agent.

RTTOs are issued a tow truck permit by the Department of Licensing (DOL), following payment of a \$100 per company and \$50 per truck fee, plus an inspection by the Washington State Patrol. RTTOs must also file a surety bond of \$5,000 with DOL and meet certain minimum insurance requirements.

RTTOs are permitted a deficiency lien against the registered owner of an impounded vehicle of up to \$300 for towing and storage services.

Tow trucks are also used by nonregistered operators that, for example, manage gas stations, repair shops and auto dealerships. These trucks are used to aid the underlying business and may not be used for impounding or responding to law enforcement calls.

Summary of Bill: Tow trucks towing vehicles or vehicles towing trailers must use safety chains. Failure to use safety chains is a class 1 civil infraction, the maximum penalty for which is \$250 (not including statutory assessments).

Anyone engaging in the business of recovery of disabled vehicles for monetary compensation must either be a registered tow truck operator (RTTO) or, at a minimum, have insurance in the same manner and amount as an RTTO and submit to a safety inspection of his or her tow trucks.

Items of personal property that are registered or titled with the Department of Licensing (DOL) may be sold at auction to fulfill a lien against the registered owner of an abandoned vehicle. However, such items of personal property are subject to the same notice requirements as impounded and abandoned vehicles.

The deficiency lien for services rendered in towing and storage of a vehicle is a maximum of \$500, not including the amount received for the vehicle at auction.

The statute pertaining to driving with a suspended or revoked license is made consistent with the RTTO chapter insofar as impounds are concerned. That is, it makes the registered owner, rather than the driver, responsible for towing and storage costs, even if the driver who was operating the vehicle at the time the impound was directed is not the registered owner of the vehicle.

No one may occupy a vehicle while it is being towed by a commercial tow truck.

Votes on Final Passage:

House	88	10	
Senate	44	0	(Senate amended)
House	88	5	(House concurred)

Effective: July 23, 1995