

SENATE BILL REPORT

SB 5276

AS REPORTED BY COMMITTEE ON TRANSPORTATION, FEBRUARY 20, 1991

Brief Description: Requiring notice for impounded vehicle disposition.

SPONSORS: Senators Nelson, Moore, Thorsness and Oke.

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: That Substitute Senate Bill No. 5276 be substituted therefor, and the substitute bill do pass.

Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Erwin, Madsen, McMullen, Oke, Sellar, Thorsness, and Vognild.

Staff: Brad Lovaas (786-7307)

Hearing Dates: February 7, 1991; February 20, 1991

BACKGROUND:

The definition of tow truck service defines such service as any vehicle transported by a tow truck operator. A tow truck operator who impounds a vehicle is responsible for notifying the legal and registered owners. Current law authorizes no less than a \$50 per day judgment against anyone who authorizes an invalid impound. A registered owner who has completed a seller's report is relieved of liability of future claims against that vehicle. Any vehicle impounded by a registered tow truck operator is considered an impound.

SUMMARY:

The State Patrol's authority over vehicles in tow truck operator's possession is limited to those that were impounded.

Law enforcement which authorizes an impound should be responsible for notifying both the legal and registered owners of the impound. No judgment for an invalid impound shall be paid to the registered and legal owner until the agency/person who authorized the invalid impound pays the tow truck operator.

Any person named on a seller's report shall assume liability for all claims against the vehicle.

A registered tow truck operator may declare a vehicle abandoned after providing notice to the registered and legal owner.

EFFECT OF PROPOSED SUBSTITUTE:

Current statutory language relating to law enforcement release of vehicle owner information to a registered tow truck operator is revised. The term "immediately" is changed to within 6-12 hours of the impound.

Language is clarified on the filing of a seller's report to ensure that someone who has lawfully filed a seller's report is not liable for towing and storage fees.

Appropriation: none

Revenue: none

Fiscal Note: requested

TESTIMONY FOR:

The bill would refine and streamline current statute (original bill).

TESTIMONY AGAINST:

This shifts tow truck operator responsibilities to law enforcement and vehicle owner. Would make financial institutions responsible for towing and storage charges (original bill).

TESTIFIED: John Woodring, Al Runti, Washington Tow Truck Association (pro); Tim Erickson, Washington State Patrol (con); Trevor Sandison, Washington Bankers Association (con)