

HOUSE BILL REPORT

ESB 5442

As Passed House
April 6, 1993

Title: An act relating to tow trucks.

Brief Description: Clarifying authority of tow truck operators.

Sponsors: Senators Vognild, Sellar, Skratek and von Reichbauer.

Brief History:

Reported by House Committee on:
Transportation, March 19, 1993, DP;
Passed House, April 6, 1993, 97-0.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass. Signed by 20 members:
Representatives R. Fisher, Chair; Brown, Vice Chair; Mielke,
Assistant Ranking Minority Member; Brumsickle; Cothorn;
Eide; Finkbeiner; Hansen; Horn; Johanson; J. Kohl;
R. Meyers; Miller; H. Myers; Orr; Patterson; Quall; Shin;
Wood; and Zellinsky.

Staff: Brad Lovaas (786-7307).

Background: The Washington State Patrol (WSP) has the authority to remove vehicles from the highway directly or through tow truck operators. The WSP may appoint tow truck operators and call them on a rotational basis. In addition, they may contract with specific operators for impounding and storing vehicles.

A registered tow truck operator who has custody of an impounded vehicle is required to release the vehicle to the registered owner on payment of sufficient commercially reasonable tender to pay the amount of the lien. Commercially reasonable tender includes cash, major bank credit cards, or personal checks drawn on in-state banks if accompanied by two pieces of valid identification, one of which may be required by the operator to have a photograph.

Any person who redeems an impounded vehicle has the right to a district court hearing to contest the validity of the impound or the amount of towing and storage charges.

If an impound is found to have been improper, the court is required to enter judgment against the person or agency that authorized the impound.

Registered tow truck operators and unlicensed towing firms are exempt from the Utilities and Transportation Commission's (UTC) regulatory authority.

Summary of Bill: The WSP is prohibited from rescinding a registered tow truck operator's letter of appointment because the operator negotiates a different rate for an owner-requested tow than for the WSP-contracted rate.

If, during the course of accepting a check, the registered tow truck operator can verify that the check would not be paid by the bank or guaranteed by a check verification service, the registered tow truck operator may refuse to accept the check.

The court may not adjust fees or charges that are in compliance with posted or contracted rates.

If an impound is found to have been improper, the court is to enter judgment in favor of the tow truck company against the person or agency authorizing the impound. Language is clarified with respect to judgments entered in favor of legal and registered owners.

Language is clarified to ensure that registered tow truck operators and unlicensed towing firms are exempt from the UTC's regulatory authority.

An obsolete definition of abandoned vehicles is repealed from the Model Traffic Ordinance.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Existing statutory language is clarified and updated.

Testimony Against: None.

Witnesses: Stu Halsan, Washington Tow Truck Association.