

**SENATE BILL REPORT**

**ESB 5442**

**AS PASSED SENATE, MARCH 5, 1993**

**Brief Description:** Clarifying authority of tow truck operators.

**SPONSORS:** Senators Vognild, Sellar, Skratek and von Reichbauer

**SENATE COMMITTEE ON TRANSPORTATION**

**Majority Report:** Do pass.

Signed by Senators Vognild, Chairman; Loveland, Vice Chairman; Skratek, Vice Chairman; Barr, Drew, Haugen, Nelson, Oke, Prentice, Prince, M. Rasmussen, Sellar, Sheldon, von Reichbauer, and Winsley.

**Staff:** Brad Lovaas (786-7307)

**Hearing Dates:** February 10, 1993

**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 regulatory authority.

**SUMMARY:**

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 fee 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 Utilities and Transportation Commission's regulatory authority.

An obsolete definition to abandoned vehicles is repealed from the Model Traffic Ordinance.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** none requested

**TESTIMONY FOR:**

Provides equity between the merchant and the consumer in the mandated acceptance of checks, by allowing the use of check verification services or as an alternative permitting the tow truck operator to call the bank to verify that the check will clear. Clarifies statute on rates that may be charged to the registered owner of a vehicle impounded by the State Patrol. Clarifies judicial review authority regarding the amount of towing and storage charges assessed.

**TESTIMONY AGAINST:** None

**TESTIFIED:** Stu Halsan, Washington Tow Truck Association (pro); Davor Gjurasic, Washington Tow Truck Association (pro); Heather Hamilton, Department of Licensing (pro); Rick Jensen, Washington State Patrol (pro)