

ESHB 2372 - S COMM AMD

By Committee on Transportation

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that it is important
4 for the public to know what the charges and fees will be for the
5 private impound of cars and other vehicles parked on private property,
6 and that those charges should be uniform and reasonable throughout the
7 state.

8 **Sec. 2.** RCW 46.55.030 and 2010 c 8 s 9061 are each amended to read
9 as follows:

10 (1) Application for licensing as a registered tow truck operator
11 shall be made on forms furnished by the department, shall be
12 accompanied by an inspection certification from the Washington state
13 patrol, shall be signed by the applicant or an agent, and shall include
14 the following information:

15 (a) The name and address of the person, firm, partnership,
16 association, or corporation under whose name the business is to be
17 conducted;

18 (b) The names and addresses of all persons having an interest in
19 the business, or if the owner is a corporation, the names and addresses
20 of the officers of the corporation;

21 (c) The names and addresses of all employees who serve as tow truck
22 drivers;

23 (d) Proof of minimum insurance required by subsection ~~((+3+))~~ (4)
24 of this section;

25 (e) The vehicle license and vehicle identification numbers of all
26 tow trucks of which the applicant is the registered owner;

27 (f) Any other information the department may require; and

28 (g) A certificate of approval from the Washington state patrol
29 certifying that:

1 (i) The applicant has an established place of business and that
2 mail is received at the address shown on the application;

3 (ii) The address of any storage locations where vehicles may be
4 stored is correctly stated on the application;

5 (iii) The place of business has an office area that is accessible
6 to the public without entering the storage area; ((and))

7 (iv) The place of business has adequate and secure storage
8 facilities, as defined in this chapter and the rules of the department,
9 where vehicles and their contents can be properly stored and protected;
10 and

11 (v) All persons having an interest in the business, or if the owner
12 is a corporation all officers of the corporation, and all employees who
13 serve as tow truck drivers meet the criminal background requirements
14 set by rule by the Washington state patrol for the issuance of a letter
15 of appointment to provide towing services.

16 (2) If the applicant is granted a registration certificate, the
17 operator shall notify the Washington state patrol and the department of
18 any changes in ownership or corporate officers and notify the
19 Washington state patrol of any new employee hires who serve as tow
20 truck drivers within three days of hiring. The new owners or officers
21 of the company or new employees who serve as tow truck drivers must
22 meet the same criminal background requirements required under
23 subsection (1)(g)(v) of this section.

24 (3) Before issuing a registration certificate to an applicant the
25 department shall require the applicant to file with the department a
26 surety bond in the amount of five thousand dollars running to the state
27 and executed by a surety company authorized to do business in this
28 state. The bond shall be approved as to form by the attorney general
29 and conditioned that the operator shall conduct his or her business in
30 conformity with the provisions of this chapter pertaining to abandoned
31 or unauthorized vehicles, and to compensate any person, company, or the
32 state for failure to comply with this chapter or the rules adopted
33 hereunder, or for fraud, negligence, or misrepresentation in the
34 handling of these vehicles. Any person injured by the tow truck
35 operator's failure to fully perform duties imposed by this chapter and
36 the rules adopted hereunder, or an ordinance or resolution adopted by
37 a city, town, or county is entitled to recover actual damages,
38 including reasonable attorney's fees against the surety and the tow

1 truck operator. Successive recoveries against the bond shall be
2 permitted, but the aggregate liability of the surety to all persons
3 shall not exceed the amount of the bond. As a condition of authority
4 to do business, the operator shall keep the bond in full force and
5 effect. Failure to maintain the penalty value of the bond or
6 cancellation of the bond by the surety automatically cancels the
7 operator's registration.

8 ~~((+3))~~ (4) Before the department may issue a registration
9 certificate to an applicant, the applicant shall provide proof of
10 minimum insurance requirements of:

11 (a) One hundred thousand dollars for liability for bodily injury or
12 property damage per occurrence; and

13 (b) Fifty thousand dollars of legal liability per occurrence, to
14 protect against vehicle damage, including but not limited to fire and
15 theft, from the time a vehicle comes into the custody of an operator
16 until it is redeemed or sold.

17 Cancellation of or failure to maintain the insurance required by
18 (a) and (b) of this subsection automatically cancels the operator's
19 registration.

20 ~~((+4))~~ (5) The fee for each original registration and annual
21 renewal is one hundred dollars per company, plus fifty dollars per
22 truck. The department shall forward the registration fee to the state
23 treasurer for deposit in the motor vehicle fund.

24 ~~((+5))~~ (6) The applicant must submit an inspection certificate
25 from the state patrol before the department may issue or renew an
26 operator's registration certificate or tow truck permits.

27 ~~((+6))~~ (7) Upon approval of the application, the department shall
28 issue a registration certificate to the registered operator to be
29 displayed prominently at the operator's place of business.

30 NEW SECTION. **Sec. 3.** A new section is added to chapter 46.55 RCW
31 to read as follows:

32 (1) For a private impound performed by any registered tow truck
33 operator using tow trucks classified by the Washington state patrol by
34 rule pursuant to RCW 46.55.050(1) as class A, class E, or class D only,
35 the following limitations apply:

36 (a) The maximum towing hourly rate listed on the fee schedule filed
37 with the department pursuant to RCW 46.55.063(1) may be no more than

1 one hundred thirty-five percent of the maximum hourly rate for a class
2 A tow truck at the time of filing as negotiated by the Washington state
3 patrol, pursuant to rule, and contained in the letter of contractual
4 agreement and letter of appointment authorizing a registered tow truck
5 operator to respond to state patrol-originated calls.

6 (b) The maximum daily storage rate listed on the fee schedule filed
7 with the department pursuant to RCW 46.55.063(1) may be no more than
8 one hundred thirty-five percent of the maximum daily storage rate for
9 an impound at the time of filing as negotiated by the Washington state
10 patrol, pursuant to rule, and contained in the letter of contractual
11 agreement and letter of appointment authorizing a registered tow truck
12 operator to respond to state patrol-originated calls.

13 (c) The maximum after hours release fee listed on the fee schedule
14 filed with the department pursuant to RCW 46.55.063(1) may be no more
15 than one hundred percent of the maximum after hours release fee for an
16 impound at the time of filing as negotiated by the Washington state
17 patrol, pursuant to rule, and contained in the letter of contractual
18 agreement and letter of appointment authorizing a registered tow truck
19 operator to respond to state patrol-originated calls.

20 (2) The limitations set out in subsection (1) of this section apply
21 to all registered tow truck operators whether or not they hold, have
22 applied for, or received letters of appointment from the Washington
23 state patrol to respond to state patrol-originated calls.

24 (3) The limitations set out in subsection (1) of this section do
25 not apply to:

26 (a) Any other classes of tow trucks classified by the Washington
27 state patrol by rule pursuant to RCW 46.55.050(1); or

28 (b) Law enforcement impounds or private voluntary towing.

29 (4) The limitations set out in subsection (1) of this section only
30 apply if the vehicle is parked and upright, has all its wheels and
31 tires attached, does not have a broken axle, and has not been involved
32 in an accident at the location from which it is being impounded.

33 (5) The state of Washington fully occupies and preempts the entire
34 field of private property vehicle impound rate regulation within the
35 boundaries of the state. Cities, towns, counties, or other
36 municipalities may enact and adopt only those laws and ordinances
37 relating to private property vehicle impound rate regulation that are
38 consistent with this chapter. Local laws and ordinances that are

1 inconsistent with, are more restrictive than, or exceed the
2 requirements of state law may not be enacted and are preempted and
3 repealed, regardless of the nature of the code, charter, or home rule
4 status of such a city, town, county, or municipality."

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5 On page 1, line 1 of the title, after "trucks;" strike the
6 remainder of the title and insert "amending RCW 46.55.030; adding a new
7 section to chapter 46.55 RCW; and creating a new section."

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