

HOUSE BILL REPORT

HB 2275

As Reported by House Committee On: Transportation

Title: An act relating to allowing a registered tow truck operator to reimound a vehicle that has been redeemed from storage or purchased at auction and not removed from the operator's business premises.

Brief Description: Allowing a registered tow truck operator to reimound a vehicle that has been redeemed from storage or purchased at auction and not removed from the operator's business premises.

Sponsors: Representatives Goodman and Armstrong.

Brief History:

Committee Activity:

Transportation: 1/18/12, 1/30/12, 2/1/12 [DP].

Brief Summary of Bill

- Allows a registered tow truck operator, in certain situations, to reimound a previously impounded vehicle that has been left at the operator's place of business for more than 24 hours.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass. Signed by 29 members: Representatives Clibborn, Chair; Billig, Vice Chair; Liias, Vice Chair; Armstrong, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Angel, Asay, Eddy, Finn, Fitzgibbon, Hansen, Jinkins, Johnson, Klippert, Kristiansen, Ladenburg, McCune, Moeller, Morris, Moscoso, Overstreet, Reykdal, Rivers, Rodne, Ryu, Shea, Takko, Upthegrove and Zeiger.

Staff: Alison Hellberg (786-7152).

Background:

Tow truck operators who impound vehicles from private or public property and/or tow for law enforcement agencies must register with the Department of Licensing (Department).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

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 (operators). 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.

When an unauthorized vehicle is impounded, the operator must send an impound notice to the legal owner. After being held for a specified amount of time, a vehicle is considered abandoned and the operator must file an abandoned vehicle report with the Department. If the vehicle remains unclaimed, the operator must conduct a sale at public auction. Vehicles may be redeemed by their legal owners any time before the start of the auction upon payment of towing and storage charges.

Operators are prohibited from committing certain acts. A violation of these prohibitions is a gross misdemeanor. These prohibitions include:

- asking for or receiving compensation, gratuities, or rewards from a person authorized to sign an impound authorization related to the impounding of a vehicle beyond the costs of towing, storage, or other services rendered;
- having an interest in a contract, agreement, or understanding between a person having control of private property and an agent of the person authorized to sign an impound authorization;
- having an interest in an entity whose functions include acting as an agent or representative of a property owner for the purpose of authorizing impounds; and
- entering into any contract or agreement or offering an incentive to a person authorized to order a private impound that is related to the authorization of an impound.

Summary of Bill:

In certain situations an operator may reimpose a previously impounded vehicle that has been left at the operator's place of business for more than 24 hours. This applies when the vehicle has been redeemed from storage or purchased at auction and left by the person redeeming or purchasing the vehicle.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill fixes a problem under current law. In order to prevent collusion, operators may not impound an unauthorized vehicle on property in which they have a financial interest. This leads to a situation where operators must call a competitor to remove

a vehicle from their property that has been abandoned or remains unredeemed. This is ultimately more expensive for the registered owners because they have to pay for another tow rather than just the storage fees.

(Opposed) None.

Persons Testifying: Representative Goodman, prime sponsor; and Stu Halsen, Towing and Recovery Association.

Persons Signed In To Testify But Not Testifying: None.