

# HOUSE BILL REPORT

## HB 2353

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### As Reported by House Committee On: Transportation

**Title:** An act relating to allowing lunch breaks for registered tow truck operators while requiring reasonable availability.

**Brief Description:** Allowing lunch breaks for registered tow truck operators while requiring reasonable availability.

**Sponsors:** Representatives Liias and Condotta.

#### **Brief History:**

##### **Committee Activity:**

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

#### **Brief Summary of Bill**

- Allows a tow truck operator to close a business office for a lunch break if a telephone number for personnel able to release impounded vehicles is posted.

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### HOUSE COMMITTEE ON TRANSPORTATION

**Majority Report:** Do pass. Signed by 28 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, Shea, Takko, Upthegrove and Zeiger.

**Staff:** Alison Hellberg (786-7152).

#### **Background:**

Tow truck operators (operators) who impound vehicles from private or public property and/or tow for law enforcement agencies must be registered with the Department of Licensing. 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 operators. If on public property, the impound is at the direction of a law enforcement officer; if the vehicle is on private property, the

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impound is at the direction of the property owner or his agent.

Certain requirements apply regarding an operator's business location. An operator's business location must have a sign displaying the firm's name that is readable from the street. An operator must post information at the business location, including towing and storage charges, vehicle redemption procedure and rights, and information as to where complaints can be directed.

On a day when an operator holds the towing services open for business, the business office must remain open with personnel present who are able to release impounded vehicles. The normal business hours of a towing service must be from 8 a.m. to 5 p.m. on weekdays, excluding Saturdays, Sundays, and holidays. An operator must maintain personnel who can be contacted 24 hours a day to release impounded vehicles within a reasonable time.

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**Summary of Bill:**

An operator may close the business office for a lunch break, not to exceed one hour. The operator must, however, post a notice, visible from the outside, providing a telephone number at which personnel able to release impounded vehicles may be contacted to respond in a reasonable time.

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**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) Laws governing registered operators are very specific and occasionally need to be tweaked. For years, administrative rules have allowed operators to take lunch breaks so long as they left a notice on their window with a phone number. It was recently discovered that there was not statutory authority to allow these breaks. This bill would restore this long-standing policy. Many operators in rural areas are "mom and pop" operations and do not have enough staff to stagger lunch breaks to allow for appropriate coverage. This causes great inconvenience.

(Opposed) None.

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

**Persons Signed In To Testify But Not Testifying:** None.