
HOUSE BILL 2372

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By Representatives Pollet, Kenney, Reykdal, Dickerson, Jinkins, Wylie, Hasegawa, Pettigrew, Billig, Pedersen, Ryu, Fitzgibbon, Darneille, Blake, Finn, Eddy, and Kagi

Read first time 01/12/12. Referred to Committee on Transportation.

1 AN ACT Relating to tow trucks; amending RCW 46.55.010, 46.55.030,
2 and 46.55.063; adding new sections to chapter 46.55 RCW; and adding a
3 new section to chapter 81.80 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 46.55.010 and 2005 c 88 s 2 are each amended to read
6 as follows:

7 The definitions set forth in this section apply throughout this
8 chapter and section 6 of this act:

9 (1) "Abandoned vehicle" means a vehicle that a registered tow truck
10 operator has impounded and held in the operator's possession for one
11 hundred twenty consecutive hours.

12 (2) "Immobilize" means the use of a locking wheel boot that, when
13 attached to the wheel of a vehicle, prevents the vehicle from moving
14 without damage to the tire to which the locking wheel boot is attached.

15 (3) "Abandoned vehicle report" means the document prescribed by the
16 state that the towing operator forwards to the department after a
17 vehicle has become abandoned.

18 (4) "Impound" means to take and hold a vehicle in legal custody.
19 There are two types of impounds--public and private.

- 1 (a) "Public impound" means that the vehicle has been impounded at
2 the direction of a law enforcement officer or by a public official
3 having jurisdiction over the public property upon which the vehicle was
4 located.
- 5 (b) "Private impound" means that the vehicle has been impounded at
6 the direction of a person having control or possession of the private
7 property upon which the vehicle was located.
- 8 (5) "Junk vehicle" means a vehicle certified under RCW 46.55.230 as
9 meeting at least three of the following requirements:
- 10 (a) Is three years old or older;
- 11 (b) Is extensively damaged, such damage including but not limited
12 to any of the following: A broken window or windshield, or missing
13 wheels, tires, motor, or transmission;
- 14 (c) Is apparently inoperable;
- 15 (d) Has an approximate fair market value equal only to the
16 approximate value of the scrap in it.
- 17 (6) "Master log" means the document or an electronic facsimile
18 prescribed by the department and the Washington state patrol in which
19 an operator records transactions involving impounded vehicles.
- 20 (7) "Registered tow truck operator" or "operator" means any person
21 who engages in the impounding, transporting, or storage of unauthorized
22 vehicles or the disposal of abandoned vehicles.
- 23 (8) "Residential property" means property that has no more than
24 four living units located on it.
- 25 (9) "Suspended license impound" means an impound ordered under RCW
26 46.55.113 because the operator was arrested for a violation of RCW
27 46.20.342 or 46.20.345.
- 28 (10) "Tow truck" means a motor vehicle that is equipped for and
29 used in the business of towing vehicles with equipment as approved by
30 the state patrol.
- 31 (11) "Tow truck number" means the number issued by the department
32 to tow trucks used by a registered tow truck operator in the state of
33 Washington.
- 34 (12) "Tow truck permit" means the permit issued annually by the
35 department that has the classification of service the tow truck may
36 provide stamped upon it.
- 37 (13) "Tow truck service" means the transporting upon the public

1 streets and highways of this state of vehicles, together with personal
2 effects and cargo, by a tow truck of a registered operator.

3 (14) "Unauthorized vehicle" means a vehicle that is subject to
4 impoundment after being left unattended in one of the following public
5 or private locations for the indicated period of time:

6 Subject to removal after:

- 7 (a) Public locations:
 - 8 (i) Constituting an accident or a traffic hazard as
9 defined in RCW 46.55.113 Immediately
 - 10 (ii) On a highway and tagged as described in RCW
11 46.55.085 24 hours
 - 12 (iii) In a publicly owned or controlled parking
13 facility, properly posted under RCW
14 46.55.070 Immediately
- 15 (b) Private locations:
 - 16 (i) On residential property Immediately
 - 17 (ii) On private, nonresidential property,
18 properly posted under RCW
19 46.55.070 Immediately
 - 20 (iii) On private, nonresidential property,
21 not posted 24 hours

22 (15) "Voluntary tow" means a tow of a vehicle in which the tow
23 truck is summoned by the owner of the vehicle or by a person who has
24 possession, custody, or control of the vehicle.

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

27 (1) Application for licensing as a registered tow truck operator
28 shall be made on forms furnished by the department, shall be
29 accompanied by an inspection certification from the Washington state
30 patrol, shall be signed by the applicant or an agent, and shall include
31 the following information:

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

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

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

6 (d) Proof of minimum insurance required by subsection (3) of this
7 section;

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

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

11 (g) A certificate of approval from the Washington state patrol
12 certifying that:

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

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

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

19 (iv) The place of business has adequate and secure storage
20 facilities, as defined in this chapter and the rules of the department,
21 where vehicles and their contents can be properly stored and protected.

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

1 shall not exceed the amount of the bond. As a condition of authority
2 to do business, the operator shall keep the bond in full force and
3 effect. Failure to maintain the penalty value of the bond or
4 cancellation of the bond by the surety automatically cancels the
5 operator's registration.

6 (3) Before the department may issue a registration certificate to
7 an applicant, the applicant shall provide proof of minimum insurance
8 requirements of:

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

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

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

18 (4) The department, in consultation with the utilities and
19 transportation commission, shall set the fee by rule for each original
20 registration and annual renewal ((is one hundred dollars per company,
21 plus fifty dollars per truck)) to cover the costs of administering this
22 chapter and section 6 of this act. The department shall forward the
23 registration fee to the state treasurer for deposit in the motor
24 vehicle fund. All expenses and costs relating to the implementation or
25 administration of this chapter or section 6 of this act by the
26 utilities and transportation commission may be paid by the fees derived
27 from this section.

28 (5) The applicant must submit an inspection certificate from the
29 state patrol before the department may issue or renew an operator's
30 registration certificate or tow truck permits.

31 (6) Upon approval of the application, the department shall issue a
32 registration certificate to the registered operator to be displayed
33 prominently at the operator's place of business.

34 **Sec. 3.** RCW 46.55.063 and 1995 c 360 s 3 are each amended to read
35 as follows:

36 (1) ~~((An operator shall file a fee schedule with the department.~~
37 ~~All filed fees must be adequate to cover the costs of service provided.~~

1 ~~No fees may exceed those filed with the department. At least ten days~~
2 ~~before the effective date of any change in an operator's fee schedule,~~
3 ~~the registered tow truck operator shall file the revised fee schedule~~
4 ~~with the department.))~~ A registered tow truck operator may not charge
5 a fee for tow truck services or for storage of a vehicle, which is not
6 the result of a voluntary tow, that exceeds the maximum amounts
7 allowable for such services or storage as set by the utilities and
8 transportation commission under section 6 of this act.

9 (2) Towing contracts with private property owners shall be in
10 written form and state the hours of authorization to impound, the
11 persons empowered to authorize the impounds, and the present charge of
12 a private impound for the classes of tow trucks to be used in the
13 impound, and must be retained in the files of the registered tow truck
14 operator for three years.

15 (3) A fee that is charged for tow truck service must be calculated
16 on an hourly basis, and after the first hour must be charged to the
17 nearest quarter hour.

18 (4) Fees that are charged for the storage of a vehicle, or for
19 other items of personal property registered or titled with the
20 department, must be calculated on a twenty-four hour basis and must be
21 charged to the nearest half day after the first four hours from the
22 time the vehicle arrived at the secure storage area. During the first
23 four hours of storage, rates must be calculated by the hour. However,
24 items of personal property registered or titled with the department
25 that are wholly contained within an impounded vehicle are not subject
26 to additional storage fees; they are, however, subject to satisfying
27 the underlying lien for towing and storage of the vehicle in which they
28 are contained.

29 (5) All billing invoices that are provided to the redeemer of the
30 vehicle, or other items of personal property registered or titled with
31 the department, must be itemized so that the individual fees are
32 clearly discernable.

33 NEW SECTION. Sec. 4. A new section is added to chapter 46.55 RCW
34 to read as follows:

35 For each voluntary tow, the registered tow truck operator or person
36 operating the tow truck must provide a written disclosure statement.
37 The disclosure statement must contain all individual fees and rates and

1 a space for the person who summoned the tow truck to sign or initial
2 indicating that he or she understands the fees and rates. The signed
3 or initialed disclosure statement must be maintained by the operator or
4 tow truck business for three years and be made available to the
5 department upon request. A copy of the signed or initialed disclosure
6 statement must also be provided by the operator or person operating the
7 tow truck to the person who summoned the tow truck.

8 NEW SECTION. **Sec. 5.** A new section is added to chapter 46.55 RCW
9 to read as follows:

10 The legislature finds that the practices covered in sections 3 and
11 4 of this act are matters vitally affecting the public interest for the
12 purpose of applying the consumer protection act, chapter 19.86 RCW. A
13 violation of section 3 or 4 of this act is not reasonable in relation
14 to the development and preservation of business and is an unfair or
15 deceptive act in trade or commerce and an unfair method of competition
16 for the purpose of applying the consumer protection act, chapter 19.86
17 RCW.

18 NEW SECTION. **Sec. 6.** A new section is added to chapter 81.80 RCW
19 to read as follows:

20 (1)(a) The commission shall make, fix, alter, and amend just, fair,
21 and reasonable maximum rates for tow truck services, which are not for
22 voluntary tows, and for the storage of a vehicle applicable to
23 registered tow truck operators.

24 (b) In setting maximum rates, the commission shall take into
25 account varying costs associated with the towing and storage of a
26 vehicle based on factors including, but not limited to, geographic
27 area, type of vehicle, and costs of providing security for storage.

28 (c) The commission shall provide an opportunity for public comment
29 and take those comments into consideration when setting maximum rates.

30 (d) The commission may by order approve rates filed by registered
31 tow truck operators with respect to certain designated services when,
32 in the opinion of the commission, it is impractical for the commission
33 to make, fix, or prescribe rates covering the services.

34 (e) The maximum total of charges for an involuntary tow and storage
35 for the first twenty-four hours following the tow may not exceed two
36 hundred fifty dollars.

1 (2) The department of licensing maintains primary regulatory
2 authority over registered tow truck operators under chapter 46.55 RCW,
3 but must require that operators do not exceed the maximum rates set by
4 the commission under subsection (1) of this section.

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