
Transportation Committee

HB 1625

Brief Description: Concerning certain tow truck operator requirements and rates.

Sponsors: Representatives Pollet, Clibborn, Kagi, Pedersen, Hunt, Riccelli, Appleton, Hudgins, Moscoso, Fitzgibbon, Morrell, Sells and Bergquist.

Brief Summary of Bill

- Requires that tow truck drivers and any person with an interest in a tow truck business, including corporate officers, undergo criminal background checks.
- Sets a cap on the fees that tow truck operators may charge for certain towing, storage, and after-hours releases.

Hearing Date: 2/13/13

Staff: Andrew Russell (786-7143).

Background:

Tow trucks are motor vehicles that are equipped for and used in the business of towing vehicles. By rule, tow trucks are divided into several classes, depending upon their size, equipment, and capabilities. Tow truck operators who tow unauthorized vehicles must apply for a license with the Department of Licensing (DOL) and the Washington State Patrol (WSP). Additionally, each tow truck must be inspected by the WSP and issued an annual permit. The WSP must also conduct annual inspections of a tow truck operator's equipment and facilities. Tow truck operators must file a fees schedule with the DOL, and an operator may not charge a fee that exceeds the filed amount. Finally, a tow truck operator must file with the DOL a surety bond in the amount of \$5,000.

Tow truck operators may also seek a letter of appointment from the WSP. This letter authorizes a registered tow truck operator to tow and store vehicles for the WSP. The WSP will refuse to issue a letter of appointment if the applicant, partner, corporate officer involved in daily operations, or any employee who operates a tow truck has been convicted of: (1) a class A

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felony or sex offense; (2) a class B felony in the last 10 years; (3) a class C felony in the last five years; (4) a DUI two or more times in the last five years; or (5) a gross misdemeanor in the last three years. Additionally, the WSP may choose not to issue a letter of appointment if any such person has been convicted of a misdemeanor in the last year or fails to demonstrate character and general fitness sufficient to command the confidence of the WSP.

There are two kinds of impound procedures. A public impound is directed by a law enforcement officer and may be conducted only by a tow truck operator who has a letter of appointment from the WSP. A private impound, however, is directed by a private property owner upon which the vehicle was located and may be conducted by any registered tow truck operator, whether or not the operator holds a letter of appointment. Every year, the WSP will establish the maximum towing and storage rates that may be charged by an operator who responds to a WSP call. A contractual agreement, signed by the WSP and the operator, then becomes part of the operator's letter of appointment.

Summary of Bill:

Background Checks.

All tow truck operators must meet the criminal background requirements that apply to those operators seeking a letter of appointment from the WSP. In addition, those having an interest in a tow truck business or any corporate officers must also meet the WSP's criminal background requirements. If there are any changes in ownership of a registered tow truck business, the DOL and the WSP must be notified, and the new owners must meet the criminal background requirements. Finally, when new employees are hired, the DOL and the WSP must be notified, and any new employee must meet the criminal background requirements.

Fees.

The fees charged by Class A, Class D, or Class E tow trucks are subject to a cap. For private impounds, a tow truck operator may not file a fee schedule with an hourly rate that exceeds 135 percent of the maximum rate for a Class A tow truck as negotiated with the WSP. Additionally, the filed fee schedule may not have a storage rate exceeding 135 percent of the maximum daily storage rate as negotiated with the WSP. Finally, a filed schedule's after-hours release fee may not exceed 100 percent of the maximum after-hours release fee as negotiated with the WSP. These limits, however, do not apply to: (1) other classes of tow trucks; (2) private voluntary towing; (3) the towing of a vehicle that is not parked or not upright, does not have all of its wheels or tires, or has a broken axle; or (4) if the vehicle is being towed from a location at which it was involved in an accident.

Appropriation: None.

Fiscal Note: Available.

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