

SSB 6437 - H AMD 1328

By Representative Fey

ADOPTED 03/02/2018

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

3 NEW SECTION. **Sec. 1.** The legislature finds that:

4 (1) Registered tow truck operators have continuing problems
5 involving the disposal of recreational vehicles that have been
6 impounded and abandoned pursuant to chapter 46.55 RCW;

7 (2) Traditional methods of disposal are no longer adequate to
8 meet the increasing problem of abandoned recreational vehicles in
9 Washington state;

10 (3) Abandoned recreational vehicles continue to be a hazard to
11 the health and safety of citizens, business owners, and the
12 environment; and

13 (4) Adequate funding is necessary to resolve the problem of
14 abandoned recreational vehicles in a manner that is environmentally
15 friendly and economically sound so that registered tow truck
16 operators may be successful in their duties of public impounding,
17 transporting, and storing unauthorized vehicles.

18 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.55
19 RCW to read as follows:

20 (1) A registered tow truck operator may transport an abandoned
21 recreational vehicle under section 5 of this act without being
22 licensed as a hulk hauler. The transport of an abandoned recreational
23 vehicle by a registered tow truck operator under this chapter must be
24 completed by utilizing a reasonable, direct, and safe route on the
25 date of transport.

26 (2) A registered tow truck operator must provide a written record
27 of the delivery to a licensed dismantler or authorized disposal site
28 for each abandoned recreational vehicle by use of an abandoned
29 vehicle report or junk vehicle affidavit to be sent to the
30 department. A copy of the report must be maintained in the vehicle
31 transaction file. Completion of the report relieves the registered

1 tow truck operator from any civil or criminal liability for the
2 disposal of a properly processed abandoned recreational vehicle.

3 **Sec. 3.** RCW 46.79.110 and 2001 c 64 s 12 are each amended to
4 read as follows:

5 Nothing contained in this chapter shall be construed to prohibit;
6 Any individual not engaged in business as a hulk hauler or scrap
7 processor from towing any vehicle owned by him or her to any vehicle
8 wrecker or scrap processor, or a registered tow truck operator from
9 transporting an abandoned recreational vehicle under section 5 of
10 this act in compliance with this chapter.

11 NEW SECTION. **Sec. 4.** A new section is added to chapter 46.17
12 RCW to read as follows:

13 (1) Before accepting an application for a registration for a
14 recreational vehicle, the department, county auditor, or other agent,
15 or subagent appointed by the director, shall require an applicant to
16 pay a six-dollar fee in addition to any other fees and taxes required
17 by law.

18 (2) The abandoned recreational disposal fee must be deposited
19 into the abandoned recreational vehicle disposal account created in
20 section 6 of this act.

21 (3) For the purposes of this section, "recreational vehicle"
22 means a camper, motor home, or travel trailer.

23 NEW SECTION. **Sec. 5.** (1) A registered tow truck operator, as
24 defined in RCW 46.55.010, vehicle wrecker, as defined in RCW
25 46.80.010, or scrap processor, as defined in RCW 46.79.010, and scrap
26 metal businesses, as defined in RCW 19.290.010, may apply to the
27 department on a form prescribed by the department for cost
28 reimbursement for the towing, transport, storage, dismantling, and
29 disposal of abandoned recreational vehicles from public property.

30 (2) The department may only use funds under section 6 of this act
31 for cost reimbursement for the towing, transport, storage,
32 dismantling, and disposal of abandoned recreational vehicles. The
33 department may not authorize reimbursements that total more than ten
34 thousand dollars per vehicle for which cost reimbursements are
35 requested.

36 (3) After consulting with the 2017 stakeholder group, the
37 department may develop rules including, but not limited to, towing,

1 transport, storage, dismantling, and disposal rates, application form
2 and contents, and cost reimbursement and the reimbursement process,
3 to implement this section.

4 (4) The department shall convene a stakeholder work group every
5 two years, with the first meeting to be held within twelve months of
6 rule adoption, to make recommendations on rule amendments.

7 (5) For the purposes of this section, an "abandoned recreational
8 vehicle" means a camper, motorhome, or travel trailer that has been
9 impounded from public property, abandoned pursuant to chapter 46.55
10 RCW, and received no bids at auction, or declared an abandoned junk
11 vehicle by a law enforcement officer, pursuant to chapter 46.55 RCW,
12 while on public property.

13 NEW SECTION. **Sec. 6.** A new section is added to chapter 46.68
14 RCW to read as follows:

15 (1) The abandoned recreational vehicle disposal account is
16 created in the state treasury. All receipts from the fee imposed in
17 section 4 of this act must be deposited into the account. The account
18 may receive fund transfers and appropriations from the general fund,
19 as well as gifts, grants, and endowments from public or private
20 sources, in trust or otherwise, for the use and benefit of the
21 purposes of this act and expend any income according to the terms of
22 the gifts, grants, or endowments, provided that those terms do not
23 conflict with any provisions of this section or any guidelines
24 developed to prioritize reimbursement of removal projects associated
25 with this act.

26 (2) Moneys in the account may be spent only after appropriation.
27 Expenditures from the account may be used only by the department to
28 reimburse registered tow truck operators and licensed dismantlers for
29 up to one hundred percent of the total reasonable and auditable
30 administrative costs for transport, dismantling, and disposal of
31 abandoned recreational vehicles under section 5 of this act when the
32 last registered owner is unknown after a reasonable search effort.
33 Compliance with RCW 46.55.100 is considered a reasonable effort to
34 locate the last registered owner of the abandoned recreational
35 vehicle. Any funds received by the registered tow truck operators or
36 licensed dismantlers through collection efforts from the last owner
37 of record shall be turned over to the department for vehicles
38 reimbursed under section 5 of this act.

1 (3) Funds in the account resulting from transfers from the
2 general fund must be used to reimburse one hundred percent of
3 eligible costs up to a limit of ten thousand dollars per vehicle for
4 which cost reimbursements are requested.

5 (4) In each fiscal biennium, beginning in the 2019-2021 fiscal
6 biennium, up to fifteen percent of the expenditures from the account
7 may be used for administrative expenses of the department in
8 implementing this chapter.

9 **Sec. 7.** RCW 43.84.092 and 2017 3rd sp.s. c 25 s 50, 2017 3rd
10 sp.s. c 12 s 12, and 2017 c 290 s 8 are each reenacted and amended to
11 read as follows:

12 (1) All earnings of investments of surplus balances in the state
13 treasury shall be deposited to the treasury income account, which
14 account is hereby established in the state treasury.

15 (2) The treasury income account shall be utilized to pay or
16 receive funds associated with federal programs as required by the
17 federal cash management improvement act of 1990. The treasury income
18 account is subject in all respects to chapter 43.88 RCW, but no
19 appropriation is required for refunds or allocations of interest
20 earnings required by the cash management improvement act. Refunds of
21 interest to the federal treasury required under the cash management
22 improvement act fall under RCW 43.88.180 and shall not require
23 appropriation. The office of financial management shall determine the
24 amounts due to or from the federal government pursuant to the cash
25 management improvement act. The office of financial management may
26 direct transfers of funds between accounts as deemed necessary to
27 implement the provisions of the cash management improvement act, and
28 this subsection. Refunds or allocations shall occur prior to the
29 distributions of earnings set forth in subsection (4) of this
30 section.

31 (3) Except for the provisions of RCW 43.84.160, the treasury
32 income account may be utilized for the payment of purchased banking
33 services on behalf of treasury funds including, but not limited to,
34 depository, safekeeping, and disbursement functions for the state
35 treasury and affected state agencies. The treasury income account is
36 subject in all respects to chapter 43.88 RCW, but no appropriation is
37 required for payments to financial institutions. Payments shall occur
38 prior to distribution of earnings set forth in subsection (4) of this
39 section.

1 (4) Monthly, the state treasurer shall distribute the earnings
2 credited to the treasury income account. The state treasurer shall
3 credit the general fund with all the earnings credited to the
4 treasury income account except:

5 (a) The following accounts and funds shall receive their
6 proportionate share of earnings based upon each account's and fund's
7 average daily balance for the period: The abandoned recreational
8 vehicle disposal account, the aeronautics account, the aircraft
9 search and rescue account, the Alaskan Way viaduct replacement
10 project account, the brownfield redevelopment trust fund account, the
11 budget stabilization account, the capital vessel replacement account,
12 the capitol building construction account, the Cedar River channel
13 construction and operation account, the Central Washington University
14 capital projects account, the charitable, educational, penal and
15 reformatory institutions account, the Chehalis basin account, the
16 cleanup settlement account, the Columbia river basin water supply
17 development account, the Columbia river basin taxable bond water
18 supply development account, the Columbia river basin water supply
19 revenue recovery account, the common school construction fund, the
20 community forest trust account, the connecting Washington account,
21 the county arterial preservation account, the county criminal justice
22 assistance account, the deferred compensation administrative account,
23 the deferred compensation principal account, the department of
24 licensing services account, the department of retirement systems
25 expense account, the developmental disabilities community trust
26 account, the diesel idle reduction account, the drinking water
27 assistance account, the drinking water assistance administrative
28 account, the early learning facilities development account, the early
29 learning facilities revolving account, the Eastern Washington
30 University capital projects account, the Interstate 405 express toll
31 lanes operations account, the education construction fund, the
32 education legacy trust account, the election account, the electric
33 vehicle charging infrastructure account, the energy freedom account,
34 the energy recovery act account, the essential rail assistance
35 account, The Evergreen State College capital projects account, the
36 federal forest revolving account, the ferry bond retirement fund, the
37 freight mobility investment account, the freight mobility multimodal
38 account, the grade crossing protective fund, the public health
39 services account, the high capacity transportation account, the state
40 higher education construction account, the higher education

1 construction account, the highway bond retirement fund, the highway
2 infrastructure account, the highway safety fund, the high occupancy
3 toll lanes operations account, the hospital safety net assessment
4 fund, the industrial insurance premium refund account, the judges'
5 retirement account, the judicial retirement administrative account,
6 the judicial retirement principal account, the local leasehold excise
7 tax account, the local real estate excise tax account, the local
8 sales and use tax account, the marine resources stewardship trust
9 account, the medical aid account, the mobile home park relocation
10 fund, the money-purchase retirement savings administrative account,
11 the money-purchase retirement savings principal account, the motor
12 vehicle fund, the motorcycle safety education account, the multimodal
13 transportation account, the multiuse roadway safety account, the
14 municipal criminal justice assistance account, the natural resources
15 deposit account, the oyster reserve land account, the pension funding
16 stabilization account, the perpetual surveillance and maintenance
17 account, the pollution liability insurance agency underground storage
18 tank revolving account, the public employees' retirement system plan
19 1 account, the public employees' retirement system combined plan 2
20 and plan 3 account, the public facilities construction loan revolving
21 account beginning July 1, 2004, the public health supplemental
22 account, the public works assistance account, the Puget Sound capital
23 construction account, the Puget Sound ferry operations account, the
24 Puget Sound taxpayer accountability account, the real estate
25 appraiser commission account, the recreational vehicle account, the
26 regional mobility grant program account, the resource management cost
27 account, the rural arterial trust account, the rural mobility grant
28 program account, the rural Washington loan fund, the sexual assault
29 prevention and response account, the site closure account, the
30 skilled nursing facility safety net trust fund, the small city
31 pavement and sidewalk account, the special category C account, the
32 special wildlife account, the state employees' insurance account, the
33 state employees' insurance reserve account, the state investment
34 board expense account, the state investment board commingled trust
35 fund accounts, the state patrol highway account, the state route
36 number 520 civil penalties account, the state route number 520
37 corridor account, the state wildlife account, the supplemental
38 pension account, the Tacoma Narrows toll bridge account, the
39 teachers' retirement system plan 1 account, the teachers' retirement
40 system combined plan 2 and plan 3 account, the tobacco prevention and

1 control account, the tobacco settlement account, the toll facility
2 bond retirement account, the transportation 2003 account (nickel
3 account), the transportation equipment fund, the transportation
4 future funding program account, the transportation improvement
5 account, the transportation improvement board bond retirement
6 account, the transportation infrastructure account, the
7 transportation partnership account, the traumatic brain injury
8 account, the tuition recovery trust fund, the University of
9 Washington bond retirement fund, the University of Washington
10 building account, the volunteer firefighters' and reserve officers'
11 relief and pension principal fund, the volunteer firefighters' and
12 reserve officers' administrative fund, the Washington judicial
13 retirement system account, the Washington law enforcement officers'
14 and firefighters' system plan 1 retirement account, the Washington
15 law enforcement officers' and firefighters' system plan 2 retirement
16 account, the Washington public safety employees' plan 2 retirement
17 account, the Washington school employees' retirement system combined
18 plan 2 and 3 account, the Washington state health insurance pool
19 account, the Washington state patrol retirement account, the
20 Washington State University building account, the Washington State
21 University bond retirement fund, the water pollution control
22 revolving administration account, the water pollution control
23 revolving fund, the Western Washington University capital projects
24 account, the Yakima integrated plan implementation account, the
25 Yakima integrated plan implementation revenue recovery account, and
26 the Yakima integrated plan implementation taxable bond account.
27 Earnings derived from investing balances of the agricultural
28 permanent fund, the normal school permanent fund, the permanent
29 common school fund, the scientific permanent fund, the state
30 university permanent fund, and the state reclamation revolving
31 account shall be allocated to their respective beneficiary accounts.

32 (b) Any state agency that has independent authority over accounts
33 or funds not statutorily required to be held in the state treasury
34 that deposits funds into a fund or account in the state treasury
35 pursuant to an agreement with the office of the state treasurer shall
36 receive its proportionate share of earnings based upon each account's
37 or fund's average daily balance for the period.

38 (5) In conformance with Article II, section 37 of the state
39 Constitution, no treasury accounts or funds shall be allocated
40 earnings without the specific affirmative directive of this section.

1 **Sec. 8.** RCW 46.80.020 and 2003 c 53 s 253 are each amended to
2 read as follows:

3 (1)(a) Except as provided in (b) of this subsection, it is
4 unlawful for a person to engage in the business of wrecking vehicles
5 without having first applied for and received a license.

6 (b) As defined in chapter 70.95 RCW, a solid waste disposal site
7 that is compliant with all applicable regulations may wreck a
8 nonmotorized abandoned recreational vehicle, as defined in section 5
9 of this act.

10 (2)(a) Except as provided in (b) of this subsection, a person or
11 firm engaged in the unlawful activity described in this section is
12 guilty of a gross misdemeanor.

13 (b) A second or subsequent offense is a class C felony punishable
14 according to chapter 9A.20 RCW.

15 NEW SECTION. **Sec. 9.** Section 4 of this act applies to vehicle
16 registrations that are due or become due on or after May 1, 2019.

17 NEW SECTION. **Sec. 10.** The director of licensing may take
18 necessary steps to ensure that this act is implemented on its
19 effective date.

20 NEW SECTION. **Sec. 11.** Section 5 of this act constitutes a new
21 chapter in Title 46 RCW.

22 NEW SECTION. **Sec. 12.** This act takes effect May 1, 2019."

23 Correct the title.

EFFECT: (1) Establishes consistency in the reimbursement
application, disbursement, and rule-making process with respect to
the towing of abandoned vehicles and the transport of abandoned
vehicles.

(2) Makes technical corrections.

--- END ---