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## Transportation Committee

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### HB 2535

**Brief Description:** Authorizing criminal background checks for employees of certain towing operators.

**Sponsors:** Representatives Hayes, Goodman and Pollet.

#### Brief Summary of Bill

- Allows the Washington State Patrol (WSP) to require a towing operator that has applied for or has been issued a letter of appointment to provide services for the state to complete criminal background checks for current and prospective employees.
- Allows the WSP to refuse to issue or to revoke a letter of appointment based on a current or prospective employee's conviction record.
- Allows the WSP to refuse to issue or to revoke a letter of appointment if the applicant disregards local, state, or federal ordinances, or if the WSP has reason to believe the towing business will not be operated honestly.
- Establishes a process to allow a towing operator or employee to review and/or contest his or her record held by the WSP.

**Hearing Date:** 1/18/18

**Staff:** Patricia Hasan (786-7292).

#### Background:

Through statute, the Washington State Patrol (WSP) is allowed to remove vehicles from highways using towing operators that have been issued a letter of appointment for conducting their towing services for the state. The WSP calls these towing operators on a rotational basis. Letters of appointment are contingent on an application process and compliance by the towing operator with standards and practices as required by WSP rule. A letter of appointment may be rescinded by the WSP if the towing operator is not in compliance with laws and rules applicable to the removal and storage of vehicles from highways.

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*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.*

Through administrative rule, the WSP will refuse to issue or may revoke a letter of appointment if an applicant, partner, or corporate officer involved in the daily operations of the company or an employee:

- has been convicted of:
  - any class A felony or sex offense, regardless of the date of conviction;
  - any class B felony within the last 10 years;
  - any class C felony within the last five years;
  - a Driving Under the Influence offense two or more times within the last five years; or
  - any gross misdemeanor within the last three years; or
- must register as a sex offender or kidnapping offender; or
- has been granted a deferred prosecution for any gross misdemeanor within the last three years.

The WSP may refuse to issue or may revoke a letter of appointment if:

- an applicant, partner, or corporate officer involved in the daily operations of the company, or an employee:
  - has been convicted of a misdemeanor within the last year;
  - has been granted a deferred prosecution for any misdemeanor within the last year;
  - has shown a willful disregard for local, state, or federal level ordinances, statutes, rules or court orders; or
  - fails to demonstrate to the WSP that the towing business will be operated honestly, fairly, and efficiently; or
- the letter of appointment application is found to contain false information.

Towing operators that have had a letter of appointment revoked or an application for a letter of appointment denied must wait a full year from the date the letter was revoked or the application was denied before submitting another application for letter of appointment to the WSP. A person may request to review and/or contest his or her record with the WSP using a process in place under administrative rule.

### **Summary of Bill:**

Through statute, the WSP may require a towing operator that has applied for or has been issued a letter of appointment for conducting their towing services for the state to complete a criminal background check for current and prospective employees. The WSP may revoke or refuse to issue a letter of appointment if:

- an employee must register as a sex offender or kidnapping offender, or has been convicted of:
  - any class A felony or sex offense, regardless of the date of conviction;
  - any class B felony within the last 10 years;
  - any class C felony within the last five years;
  - any Driving Under the Influence offense two or more times within the last five years; or
  - any crime of false swearing; or
- an applicant, partner, or corporate officer involved in the daily operations of the company:
  - has shown a willful disregard for local, state, or federal level ordinances, statutes, rules or court orders; or

- fails to demonstrate to the WSP that the towing business will be operated honestly, fairly, and efficiently; or
- the letter of appointment application is found to contain false information.

Towing operators that have had a letter of appointment revoked or an application for a letter of appointment denied must wait a full year from the date the letter was revoked or the application was denied before submitting another application for letter of appointment to the WSP. A person subject to the criminal background checks may officially request to review and/or contest his or her record with the WSP using a process currently in place under administrative rule.

**Appropriation:** None.

**Fiscal Note:** Available.

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