

HOUSE BILL REPORT

HB 2925

As Reported by House Committee On: Transportation

Title: An act relating to the disposal of recreational vehicles abandoned on public property.

Brief Description: Addressing the disposal of recreational vehicles abandoned on public property.

Sponsors: Representatives Fey, Buys and Ortiz-Self.

Brief History:

Committee Activity:

Transportation: 2/5/18, 2/6/18 [DPS].

Brief Summary of Substitute Bill

- Establishes a program within the Department of Licensing for reimbursing costs associated with the disposal of recreational vehicles abandoned on public property.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 25 members: Representatives Clibborn, Chair; Fey, Vice Chair; Wylie, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Chapman, Gregerson, Hayes, Irwin, Kloba, Lovick, McBride, Morris, Ortiz-Self, Pellicciotti, Pike, Riccelli, Rodne, Shea, Stambaugh, Tarleton, Valdez, Van Werven and Young.

Staff: Patricia Hasan (786-7292).

Background:

A recreational vehicle (RV) is defined as a travel trailer, motor home, truck camper, or camping trailer that is primarily designed and used as temporary living quarters, is either self-propelled or mounted on or drawn by another vehicle, is transient, is not occupied as a primary residence, and is not immobilized or permanently affixed to a mobile home lot.

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.

Registered tow truck operators (RTTOs) may impound, transport, and store unauthorized vehicles and dispose of abandoned vehicles. An unauthorized vehicle is a vehicle that is left unattended in a public or private place for a certain period of time based on the type of vehicle. An abandoned vehicle is a vehicle that has been impounded and held with an RTTO for 120 consecutive hours. Abandoned vehicles may be publically auctioned off. A vehicle may be determined to be an abandoned junk vehicle by a law enforcement officer, health department employee or officer, or person authorized by the Department of Licensing (DOL). An RTTO may authorize the disposal of an abandoned junk vehicle if it has been abandoned two or more times, the registered owner has not changed since it was first abandoned, and the registered owner is the legal owner. A hulk hauler transports or sells vehicles to a licensed vehicle wrecker or scrap processor and is required to be licensed.

It is a violation of state law to abandon a junk vehicle on any property. The landowner where the abandoned vehicle is discovered is responsible for contacting the registered owner. The registered owner has 15 days to contact the landowner after a notification is mailed to them to claim the vehicle and if they do not, the landowner has the right to dispose of the vehicle or sign an affidavit of sale. If an abandoned vehicle is found by law enforcement, the last registered owner on record is guilty of a traffic infraction and, in addition to a monetary penalty, must make restitution to the amount of the deficiency remaining after disposal of the vehicle.

An RTTO with a valid and signed impoundment authorization has a lien upon the impounded vehicle for services in towing and storing the vehicle. The amount the RTTO has against the registered owner may not exceed the sum of \$500 after deduction of the amount bid at auction, or \$1,000 for vehicles over 10,000 pounds of gross weight, unless the impound is determined to be invalid. These claims do not apply to law enforcement-directed impounds.

The Department of Ecology is responsible for establishing a comprehensive statewide program for solid waste handling, recovery, and recycling which prevents pollution to the environment. County governments may acquire sites for the use of disposing solid waste or recyclable materials. A county has full jurisdiction and authority to manage and regulate solid waste handling systems and facilities.

In the 2017-19 original biennial Transportation Budget (Engrossed Senate Bill 5096), the DOL was directed to convene a work group to engage stakeholders to develop a sustainable plan for the collection and disposal of abandoned RVs. The work group was directed to submit a final report and draft legislation to the transportation committees of the Legislature by December 1, 2017.

Summary of Substitute Bill:

Registered tow truck operators may transport an abandoned recreational vehicle to a solid waste disposal site without being licensed as a hulk hauler and must comply with all hulk hauler laws when doing so. A written record of each delivery must be provided to a licensed dismantler or authorized disposal site. Completion of the written notice relieves the tow

truck operator from civil and criminal liability for disposal of a properly proceeded abandoned RV. A solid waste disposal site that is compliant with all applicable regulations may wreck a nonmotorized abandoned RV.

A \$6 fee must be assessed on each RV application for registration. Ninety percent of the funds must be deposited into the Abandoned Recreational Vehicle Disposal Account (ARDVA) and 10 percent to the Motor Vehicle Fund. After \$1 million has been deposited in the Motor Vehicle Fund, the entire \$6 fee is deposited in the ARVDA. Up to 15 percent of the spending each biennium from the ARDVA may be for the DOL's administrative expenses. Any State General Fund transfers into the ARDVA must be used to reimburse 100 percent of eligible costs.

An RTTO, vehicle wrecker, or scrap processor may apply to the DOL for reimbursement of up to 100 percent of eligible cost for the transport, storage, dismantling, and disposal of abandoned RVs from public property. The DOL may develop rules, including the rates and reimbursement process, and must consult with the stakeholders group convened in 2017 when doing so. The DOL is directed to convene a stakeholder work group every two years to make recommendations on rule amendments. All reimbursements made to RTTOs, vehicle wreckers, or scrap processors for this work must be paid solely from the ARDVA or from the amount appropriated to the DOL in this bill.

Substitute Bill Compared to Original Bill:

The substitute bill requires RTTOs operating as a hulk hauler, with or without a hulk hauler license, to comply with all hulk hauler laws. The DOL is required to consult with the stakeholder group convened in 2017 when developing rules to implement the reimbursement program. The \$1 million appropriation is removed.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect on May 1, 2019.

Staff Summary of Public Testimony:

(In support) There are approximately 2,000 abandoned RVs in storage facilities statewide, which is a problem for the state. The 2017-19 Enacted Transportation Budget included a proviso to convene a stakeholder work group that would develop a response to this problem. This bill is the result of about six months of collaboration and compromise from the stakeholder group.

Towing operators need the state's help. These abandoned RVs are taking up space in towing companies' storage yards. Once the abandoned RVs are in the towing operator yard, there is no market to get rid of the vehicles, and there is no place to take them. The abandoned RVs have no value, leaving towing operators stuck with them in their yards. Towing operators

then become the agent responsible for disposing of the abandoned RVs, and this can cost between \$300 and \$600 to dispose of one. They must be taken to hazardous waste recycling agencies, and in Thurston County this costs \$118 per ton for disposal. This bill would help address this problem of towing operators having the burden of disposing of abandoned RVs without payment when called upon by state or local law enforcement to tow away unauthorized RVs found on public property.

This issue is beginning to affect towing operators' ability to effectively respond to law enforcement calls to pick up abandoned RVs from public property, which is a duty towing operators have per arrangements made with the state and other jurisdictions all over the state. The intent was not to become hazardous waste disposal sites for the Washington State Patrol or local law enforcement. The past five years have seen abandoned RVs become a real problem in the state, leading many towing operators to effectively become hazardous waste disposal sites. Examples of contents found within these abandoned RVs are human waste, bio-waste, hypodermic needles, drug paraphernalia, and propane tanks.

Scrap companies are often the recipients of these abandoned RVs. They will take any salvageable part and any recyclable material and put it into the production stream to become new metal instead of sending it to a landfill. Working with the towing operators is an opportunity to make old vehicles new again and reuse any parts possible. An amendment is requested to include all of the different scrap industry licensed businesses to participate in the reimbursement program.

(Opposed) None.

(Other) There are two technical issues with this bill, and an amendment is requested to address these. The first issue relates to the allowance that tow truck operators may operate their tow trucks as a hulk hauler for this purpose without having a hulk hauler license. The requested amendment would require tow truck operators operating as a hulk hauler to comply with all hulk hauler laws, meaning they cannot sell parts from those abandoned RVs. The second issue is a clarification that the DOL should consult with the 2017 stakeholder work group when making rules for this program. The stakeholder work group did not finish all of its work before reporting to the Legislature and bringing forward draft legislation, and this amendment would allow the 2017 stakeholder work group to continue working with the DOL on rule development.

Persons Testifying: (In support) Representative Fey, prime sponsor; Peter Lukevich, Towing and Recovery Association of Washington; Paul Bressi, Nisqually Towing; and Holly Chisa, Institute of Scrap Recycling Industries.

(Other) Gary Smith, Auto Recyclers of Washington.

Persons Signed In To Testify But Not Testifying: None.