

HOUSE BILL REPORT

SSB 6437

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: Senate Committee on Transportation (originally sponsored by Senator King).

Brief History:

Committee Activity:

Transportation: 2/15/18, 2/21/18, 2/26/18 [DPA].

Brief Summary of Substitute Bill (As Amended by Committee)

- 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: Do pass as amended. Signed by 18 members: Representatives Clibborn, Chair; Fey, Vice Chair; Wylie, Vice Chair; Harmsworth, Assistant Ranking Minority Member; Chapman, Gregerson, Hayes, Irwin, Kloba, Lovick, McBride, Morris, Ortiz-Self, Pellicciotti, Riccelli, Stambaugh, Tarleton and Valdez.

Minority Report: Do not pass. Signed by 6 members: Representatives Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Pike, Rodne, Shea and Van Werven.

Minority Report: Without recommendation. Signed by 1 member: Representative Young.

Staff: Patricia Hasan (786-7292).

Background:

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.

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; either self-propelled or mounted on or drawn by another vehicle; transient; not occupied as a primary residence; and not immobilized or permanently affixed to a mobile home lot.

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 publicly 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.

Registered tow truck operators 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 Amended 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. The funds must be deposited into the Abandoned Recreational Vehicle Disposal Account (ARDVA) created in the State Treasury. Up to 15 percent of the spending from the ARDVA may be for the DOL's administrative expenses, beginning in 2019-21. Any State General Fund transfers into the ARDVA must be used to reimburse 100 percent of eligible costs.

An RTTO, vehicle wrecker, scrap processor, or scrap metal business 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 total amount of reimbursements are capped at \$10,000 per vehicle. After consulting with the 2017 stakeholder group, the DOL may develop rules, including the rates and reimbursement process. 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.

Amended Bill Compared to Substitute Bill:

The recommendation from the House Transportation Committee makes several changes to the substitute bill. The Transportation Committee amended bill:

- replaces the phrase "financial aid" with "cost reimbursement;"
- removes a reference to receipts from the new disposal fee that are allocated to the Motor Vehicle Fund;
- caps the total amount of cost reimbursements allowed at no more than \$10,000 per vehicle;
- allows for start-up costs of implementing the program to be exempted from the 15 percent limitation on expenditures from the abandoned RV disposal account (account) that can be used by the DOL for administrative expenses; and
- removes the authorization that the account can be temporarily cash deficient for the start-up and establishment of the program.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) There has been a serious problem with abandoned RVs over the past several years. There is one RTTO in the Seattle area that has over 300 RVs on his lot with no place to move them. The biennial transportation budget authorized a work group to look at this issue and this bill is based on the work group's recommendations. The bill includes a \$6 fee used specifically to address this problem. People abandon their RVs in public places. A number of these abandoned vehicles turn out to be methamphetamine labs and there is nothing salvageable from them. The fee would be used to help compensate the towing companies when called by law enforcement to pick up abandoned RVs.

There has been an escalation of the RV overflow in impound yards over the last 15 years. Back then, the issue was not given any serious consideration. Many of these are meth labs. In rural parts of the state, the issue of abandoned RVs is extremely important. Registered tow truck operators are sometimes required to travel 50 miles north and south and over 100 miles east and west to pick these up. It is quite a burden.

There are a lot of hazardous materials in processing abandoned motor homes. This is not just a problem in metropolitan areas; it is statewide. In many cases, law enforcement has had to talk RTTOs into picking these abandoned vehicles up. There is no profit to the RTTOs in doing this work.

(Opposed) None.

Persons Testifying: Senator King, prime sponsor; Peter Lukevich, Towing and Recovery Association of Washington; Kris Zachary, Burns Towing; Randy Houston, Randy's Towing; Paul Bressi, Nisqually Towing; and Holly Chisa, Institute of Scrap Recycling Industries.

Persons Signed In To Testify But Not Testifying: None.