

SENATE BILL REPORT

SB 5343

As Reported by Senate Committee On:
Transportation, February 21, 2017

Title: An act relating to notice sent by and certain release of information affecting registered tow truck operators.

Brief Description: Concerning notice sent by and certain release of information affecting registered tow truck operators.

Sponsors: Senators Warnick and Takko.

Brief History:

Committee Activity: Transportation: 1/31/17, 2/21/17 [DPS].

Brief Summary of Substitute Bill

- Changes the mailing requirement for notice of custody and sale for an abandoned vehicle from certified mail with return receipt requested to first class mail.
- Prohibits the driving abstract for a registered tow truck operator (RTTO) that is provided to an insurance company from containing any information related to actions committed by the operator in performance of their occupational duties, so long as the RTTO is not issued a citation.

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: That Substitute Senate Bill No. 5343 be substituted therefor, and the substitute bill do pass.

Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Liias, Assistant Ranking Minority Member; Cleveland, Ericksen, Fortunato, Hawkins, O'Ban, Saldaña, Takko, Van De Wege, Walsh and Wilson.

Staff: Kim Johnson (786-7472)

Background: Impounds, i.e., the taking and holding of a vehicle in legal custody without the consent of the owner, may only be performed by registered tow truck operators (RTTOs).

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.

When a vehicle is impounded, an RTTO must send an impound notice to the legal owner via first class mail, based on information received from law enforcement.

After a vehicle is held in impound for more than 120 hours it is considered abandoned, and an RTTO must file an abandoned vehicle report (AVR) with the Department of Licensing (DOL). In response to the AVR, DOL provides information to the RTTO regarding the owner of the vehicle, and the RTTO must send, by certified mail with return receipt requested, a notice of custody and sale to the owner. This notice also must contain information on the penalties for the traffic infraction "Littering—Abandoned Vehicle."

The DOL is permitted to furnish an abstract of a person's driving record on proper request. The abstract, whenever possible, must include: (1) information related to motor vehicle accidents in which the person was driving; (2) any reported convictions, forfeitures of bail, or findings that an infraction was committed based on a violation of any motor vehicle law; (3) the status of the person's driving privilege in the state; and (4) any reports of failure to appear in response to a traffic citation or failure to respond to a notice of infraction served by an arresting officer. The abstract may only be provided to specified entities which include but are not limited to prospective employers, county prosecuting attorneys, and insurance companies.

Abstracts provided to an insurance company may not contain any information related to actions committed by law enforcement officers or firefighters while driving official vehicles in the performance of their occupational duties. This exception does not apply when the vehicle has been used in the commission of a misdemeanor or a felony.

Summary of Bill (First Substitute): A notice of custody and sale and a notice of the penalties for the traffic infraction "Littering—Abandoned Vehicle" must be sent to the registered owner of an abandoned vehicle or personal property by first-class mail. The RTTO must obtain a certificate of mailing of such notices.

The abstract provided to an insurance company may not contain any information related to actions committed by RTTOs in the performance of their occupational duties while at the scene of a roadside impound or recovery. This exception does not apply when the vehicle has been used in the commission of a misdemeanor or a felony, or when the RTTO was issued a citation

EFFECT OF CHANGES MADE BY TRANSPORTATION COMMITTEE (First Substitute):

- Adds the requirement that an RTTO obtain a certificate of mailing when sending a notice of custody and sale and a notice of the penalties for the traffic infraction "Littering—Abandoned Vehicle" to the registered owner of an abandoned vehicle or personal property by first-class mail.
- Narrows the exception being created for an RTTO related to the information included in a driver's personal driving record abstract that is provided to the insurance company, by restricting the inclusion of information related to an incident at the scene of a roadside impound, so long as the RTTO is not issued a citation.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: RTTOs provide a much needed service to our traveling public and this bill will help them. The increased costs associated with the certified mailing requirement does not translate to better customer service or notice. The majority of the certified letters sent are never picked up. RTTOs spend thousands of dollars on certified mailings and it seems like money wasted. We are working on language to have the RTTO instead get a certificate of mailing that provides evidence that the notice was mailed, but is much less costly than certified mail.

When an RTTO is struck while sitting at an accident scene waiting to remove a vehicle, these accidents are put on the driving record abstract that goes to insurance companies. We have seen our driver's personal insurance rates increase and believe that when an RTTO is attending an accident scene they should receive the same protection as some of the first responders. Incidents involving police and firefighters while on duty are not part of their driving abstract that is provided to insurance companies. This same protection should be given to an RTTO driver when they are responding to a law enforcement request to remove a vehicle at the scene of an accident.

CON: With all due respect to the RTTO drivers and the service they provide, we do not think that they equate to a first responder. The language of the bill is so broad that any incident that occurs while an RTTO is performing their job would not be part of the driving abstract provided to insurance companies. This would include an RTTO that is issued a ticket for speeding. This is just too broad and exemption.

Persons Testifying: PRO: Senator Judy Warnick, Prime Sponsor; Rolfe Johnson, Jim's Northgate Towing; Ron Jake, Bethel Towing, Town and Country's Towing; Chester Baldwin, Towing & Recovery of WA.

CON: Cliff Webster, American Insurance Association; Mel Sorensen, Property Casualty Insurers Association of America.

Persons Signed In To Testify But Not Testifying: No one.