

SENATE BILL REPORT

SB 5735

As of February 14, 2017

Title: An act relating to the disposal of recreational vehicles abandoned pursuant to chapter 46.55 RCW.

Brief Description: Concerning the disposal of recreational vehicles abandoned pursuant to chapter 46.55 RCW.

Sponsors: Senators King and Hobbs.

Brief History:

Committee Activity: Transportation: 2/14/17.

Brief Summary of Bill

- Establishes a program within the Department of Ecology for recycling and disposing of abandoned recreational vehicles.

SENATE COMMITTEE ON TRANSPORTATION

Staff: Kellee Keegan (786-7429)

Background: A recreational vehicle 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.

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. An abandoned vehicle is a vehicle that has been impounded and held with an RTTO for over 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

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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 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 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 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 (Ecology) is the state's environmental protection agency. 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.

Summary of Bill: The bill as referred to committee not considered.

Summary of Bill (Proposed Substitute): Ecology may develop and administer a voluntary recreational vehicle turn-in program. Recreational vehicle owners may apply to participate in the program if they are a Washington resident or business and own a recreational vehicle in an advanced state of disrepair that has minimal or no value and a high likelihood of becoming abandoned. Ecology is required to report annually to the Legislature on the program by January 2nd of each year from 2018 through 2023.

Local governments may deconstruct and dispose of recreational vehicles with preference to environmentally sound, affordable, and reasonable options. Cities and counties may apply to Ecology for financial aid to assist in developing and instituting a solid waste management plan for disposing abandoned recreational vehicles. Ecology must determine priorities in rule for dispersing the funds that consider population, urban development, environmental effects of waste disposal, existing waste handling practices, and justification made by the local government and allocate available funds to counties and cities accordingly. Local governments may enter into contracts with private companies for the disposal of abandoned recreational vehicles.

To fund the voluntary recreation vehicle turn-in program and the financial aid available to local governments, a \$4 fee must be assessed on each recreational vehicle application for registration. The funds must be deposited in to the abandoned recreational vehicle deconstruction and disposal account. Funds may only be spent after appropriation.

RTTOs may transport an abandoned recreational vehicle to a solid waste disposal site without being licensed as a hulk hauler or scrap processor. A written record of each delivery must be provided to the solid waste disposal site and sent to the DOL.

Appropriation: None.

Fiscal Note: Available.

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 Proposed Substitute: PRO: There is no doubt this is a problem. After some preliminary discussions with Ecology, this was a start in trying to solve the problem of abandoned RVs. These vehicles have bio-waste and eco-waste. They present harm to employees. Scrappers and wreckers won't take them as they have no value. This bill doesn't mandate a specific way to deconstruct. This bill provides a funding mechanism to try to solve the problem. There is also a voluntary turn-in program at Ecology in addition to the county financial aid program. RTTOs contract with law enforcement agencies. When the RTTO takes possession of an abandoned RV, often they have been lived in by homeless people and/or are filled with junk. After time has passed, and the auction comes along, no one bids on it and there is a lien of \$1100. The abandoned RV either sits on site with the RTTO or is sent to a place to dispose of it where it may cost \$1500 to deal with it. Small tow truck operators in rural areas may need to drive over 40 miles away to find recyclers or disposal places that can take RVs. This really effects small business tow operators.

OTHER: Counties are different and treat solid waste differently across the state. The process to just drop off RVs won't work as some sites are small and would not have enough space or have the right equipment to process them. The funding would come after receiving an abandoned RV, and could lead to problems. Abandoned recreational vehicles are a problem but this may not work with smaller population counties. This requires more discussion. This idea of dropping off RVs at a transfer station is problematic because they are not equipped with dealing with this. A middle ground is needed. Abandoned RVs are a problem and there needs to be a way to dispose of them. Ecology does not have expertise in RVs or how to judge if one is in an advanced state of disrepair. Inert waste landfills are not equipped for disposing of RV vehicles. There are a lot of things that need to happen to make this a workable solution.

Persons Testifying: PRO: Peter Lukovich, Towing and Recovery Assn. of WA; Kris Zachary, Burns Towing; Paul Bressi, Nisqually Towing.

OTHER: Laura Berg, WA State Assn. of Counties; Gary Smith, Independent Business Association; Laurie Davies, Department of Ecology.

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