

SENATE BILL REPORT

SSB 6437

As Amended by House, March 2, 2018

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: 1/29/18, 2/05/18 [DPS].

Floor Activity:

Passed Senate: 2/10/18, 41-4.

Passed House: 3/02/18, 76-22.

Brief Summary of First Substitute Bill

- Establishes a program within the Department of Licensing (DOL) for reimbursing costs associated with disposing of abandoned recreational vehicles.

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: That Substitute Senate Bill No. 6437 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Chase, Cleveland, Dhingra, Fortunato, Lias, McCoy, O'Ban, Sheldon, Takko, Wellman and Zeiger.

Staff: Bryon Moore (786-7726)

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

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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 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 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.

In the 2017-19 original biennial transportation budget—ESB 5096—DOL, was directed to convene a work group to engage stakeholders to develop a sustainable plan for the collection and disposal of abandoned recreational vehicles. The workgroup was directed to submit a final report and draft legislation to the transportation committees of the Legislature by December 1, 2017.

Summary of First Substitute Bill: A \$6 fee must be assessed on each recreational vehicle application for registration. The funds must be deposited in to the Abandoned Recreational Vehicle Disposal Account (ARVDA) and up to 15 percent of the spending each biennium from ARDVA may be for DOL administrative expenses.

An RTTO, vehicle wrecker, scrap metal business, or scrap processor may apply to DOL for reimbursement up to 100 percent of eligible cost for the transport, storage, dismantling, and disposal of abandoned recreational vehicles from public property. After consulting with the 2017 stakeholder group, DOL may develop rules, including the rates and reimbursement process. DOL is directed to convene a stakeholder workgroup every two years to make

recommendations on rule amendments. Any state General Fund transfers must be used to reimburse 100 percent of eligible costs.

RTTOs may transport an abandoned recreational vehicle to a solid waste disposal site without being licensed as a hulk hauler, but must comply with the hulk haulers and scrap processor requirements of current law. 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 recreational vehicle. A solid waste disposal site that is compliant with all applicable regulations may wreck a non-notarized abandoned recreational vehicle.

Appropriation: None.

Fiscal Note: Available.

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

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

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: Abandoned recreational vehicles are becoming a bigger problem. This addresses this serious problem and provides a way to compensate for the extraordinary high cost of disposing of these vehicles. We have seen a dramatic increase in abandoned recreational vehicles over the last four to five years. This provides a mechanism to help with the impact of tow truck operators with their out of pocket expenses and will expand the number of locations available to properly dispose of these vehicles.

OTHER: Some clarifying language is needed to make sure the the licensed scrap processor requirement applies to the disposal of these vehicles. We also need to make sure that this does not create an incentive to illegally dump these abandoned vehicles or for someone to operate as an illegal hulk haulers. The task force needs to continue to provide assistance and oversight as the department implements the rules for the bill.

Persons Testifying: PRO: Senator Curtis King, Prime Sponsor; Peter Lukevich, Towing and Recovery Association of Washington; Paul Bressi, Nisqually Towing; Kris Zachary, Burns Towing; Holly Chisa, Institute of Scrap Recycling Industries, Pacific Northwest Chapter; Chad Sutter, Sutter Metals; Darrin Hendrickson, Agri-Fix.

OTHER: Gary Smith, Independent Business Association.

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

EFFECT OF HOUSE AMENDMENT(S):

- Replaces the phrase "financial aid" with "cost reimbursement."
- Caps the total amount of cost reimbursement 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 Recreational Vehicle Disposal Account (ARVDA) that can be used by the Department of Licensing for administrative expenses.
- Removes the authorization that the account can be temporarily cash deficient for the start-up and establishment of the program.
- Removes a reference to receipts from the new disposal fee that are allocated to the Motor Vehicle Fund.
- Other technical corrections are made to establish consistency in the reimbursement application, disbursement, and rule-making process with respect to the towing of abandoned vehicles and the transport of abandoned vehicles.