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SENATE BILL 6437

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State of Washington

65th Legislature

2018 Regular Session

By Senator King

1 AN ACT Relating to the disposal of recreational vehicles  
2 abandoned on public property; amending RCW 46.79.110 and 46.80.020;  
3 reenacting and amending RCW 43.84.092; adding a new section to  
4 chapter 46.55 RCW; adding a new section to chapter 46.17 RCW; adding  
5 a new section to chapter 46.68 RCW; adding a new chapter to Title 46  
6 RCW; creating new sections; making an appropriation; and providing an  
7 effective date.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

9 NEW SECTION. **Sec. 1.** The legislature finds that:

10 (1) Registered tow truck operators have continuing problems  
11 involving the disposal of recreational vehicles that have been  
12 impounded and abandoned pursuant to chapter 46.55 RCW;

13 (2) Traditional methods of disposal are no longer adequate to  
14 meet the increasing problem of abandoned recreational vehicles in  
15 Washington state;

16 (3) Abandoned recreational vehicles continue to be a hazard to  
17 the health and safety of citizens, business owners, and the  
18 environment; and

19 (4) Adequate funding is necessary to resolve the problem of  
20 abandoned recreational vehicles in a manner that is environmentally  
21 friendly and economically sound so that registered tow truck

1 operators may be successful in their duties of public impounding,  
2 transporting, and storing unauthorized vehicles.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.55  
4 RCW to read as follows:

5 (1) A registered tow truck operator may transport an abandoned  
6 recreational vehicle under section 5 of this act without being  
7 licensed as a hulk hauler. The transport of an abandoned recreational  
8 vehicle by a registered tow truck operator under this chapter must be  
9 completed by utilizing a reasonable, direct, and safe route on the  
10 date of transport.

11 (2) A registered tow truck operator must provide a written record  
12 of the delivery to a licensed dismantler or authorized disposal site  
13 for each abandoned recreational vehicle by use of an abandoned  
14 vehicle report or junk vehicle affidavit to be sent to the  
15 department. A copy of the report must be maintained in the vehicle  
16 transaction file. Completion of the report relieves the registered  
17 tow truck operator from any civil or criminal liability for the  
18 disposal of a properly processed abandoned recreational vehicle.

19 **Sec. 3.** RCW 46.79.110 and 2001 c 64 s 12 are each amended to  
20 read as follows:

21 Nothing contained in this chapter shall be construed to prohibit;  
22 Any individual not engaged in business as a hulk hauler or scrap  
23 processor from towing any vehicle owned by him or her to any vehicle  
24 wrecker or scrap processor, or a registered tow truck operator from  
25 transporting an abandoned recreational vehicle under section 5 of  
26 this act.

27 NEW SECTION. **Sec. 4.** A new section is added to chapter 46.17  
28 RCW to read as follows:

29 (1) Before accepting an application for a registration for a  
30 recreational vehicle, the department, county auditor, or other agent,  
31 or subagent appointed by the director, shall require an applicant to  
32 pay a six-dollar fee in addition to any other fees and taxes required  
33 by law.

34 (2) The abandoned recreational disposal fee must be distributed  
35 as follows:

36 (a) Ninety percent to the abandoned recreational vehicle disposal  
37 account created in section 6 of this act;

1 (b) Ten percent to the motor vehicle fund;

2 (c) After one million dollars is deposited into the motor vehicle  
3 fund from the fee required in this section, one hundred percent of  
4 the fee required in this section must be distributed to the abandoned  
5 recreational vehicle disposal account created in section 6 of this  
6 act.

7 (3) For the purposes of this section, "recreational vehicle"  
8 means a camper, motor home, or travel trailer.

9 NEW SECTION. **Sec. 5.** (1) A registered tow truck operator, as  
10 defined in RCW 46.55.010, vehicle wrecker, as defined in RCW  
11 46.80.010, or scrap processor, as defined in RCW 46.79.010, may apply  
12 to the department on a form prescribed by the department for  
13 financial aid for the transport, storage, dismantling, and disposal  
14 of abandoned recreational vehicles from public property.

15 (2) The department may only use funds under section 6 or 9 of  
16 this act for financial aid for the transport, storage, dismantling,  
17 and disposal of abandoned recreational vehicles.

18 (3) The department may develop rules including, but not limited  
19 to, towing, storage, dismantling, and disposal rates, application  
20 form and contents, and financial aid and the reimbursement process,  
21 to implement this section.

22 (4) The department shall convene a stakeholder work group every  
23 two years, with the first meeting to be held within twelve months of  
24 rule adoption, to make recommendations on rule amendments.

25 (5) An "abandoned recreational vehicle" means a camper,  
26 motorhome, or travel trailer that has been impounded from public  
27 property, abandoned pursuant to chapter 46.55 RCW, and received no  
28 bids at auction, or declared an abandoned junk vehicle by a law  
29 enforcement officer, pursuant to chapter 46.55 RCW, while on public  
30 property.

31 NEW SECTION. **Sec. 6.** A new section is added to chapter 46.68  
32 RCW to read as follows:

33 (1) The abandoned recreational vehicle disposal account is  
34 created in the state treasury. All receipts, except for receipts  
35 allocated to the motor vehicle fund, from the fee imposed in section  
36 4 of this act must be deposited into the account. The account may  
37 receive fund transfers and appropriations from the general fund, as  
38 well as gifts, grants, and endowments from public or private sources,

1 in trust or otherwise, for the use and benefit of the purposes of  
2 this chapter and expend any income according to the terms of the  
3 gifts, grants, or endowments, provided that those terms do not  
4 conflict with any provisions of this section or any guidelines  
5 developed to prioritize reimbursement of removal projects associated  
6 with this act.

7 (2) Moneys in the account may be spent only after appropriation.  
8 Expenditures from the account may be used only by the department to  
9 reimburse registered tow truck operators and licensed dismantlers for  
10 up to one hundred percent of the total reasonable and auditable  
11 administrative costs for transport, dismantling, and disposal of  
12 abandoned recreational vehicles under section 5 of this act when the  
13 last registered owner is unknown after a reasonable search effort.  
14 Compliance with RCW 46.55.100 is considered a reasonable effort to  
15 locate the last registered owner of the abandoned recreational  
16 vehicle. Any funds received by the registered tow truck operators or  
17 licensed dismantlers through collection efforts from the last owner  
18 of record shall be turned over to the department for vehicles  
19 reimbursed under section 5 of this act.

20 (3) Funds in the account resulting from transfers from the  
21 general fund must be used to reimburse one hundred percent of  
22 eligible costs.

23 (4) In each fiscal biennium, up to fifteen percent of the  
24 expenditures from the account may be used for administrative expenses  
25 of the department in implementing this chapter.

26 **Sec. 7.** RCW 43.84.092 and 2017 3rd sp.s. c 25 s 50, 2017 3rd  
27 sp.s. c 12 s 12, and 2017 c 290 s 8 are each reenacted and amended to  
28 read as follows:

29 (1) All earnings of investments of surplus balances in the state  
30 treasury shall be deposited to the treasury income account, which  
31 account is hereby established in the state treasury.

32 (2) The treasury income account shall be utilized to pay or  
33 receive funds associated with federal programs as required by the  
34 federal cash management improvement act of 1990. The treasury income  
35 account is subject in all respects to chapter 43.88 RCW, but no  
36 appropriation is required for refunds or allocations of interest  
37 earnings required by the cash management improvement act. Refunds of  
38 interest to the federal treasury required under the cash management  
39 improvement act fall under RCW 43.88.180 and shall not require

1 appropriation. The office of financial management shall determine the  
2 amounts due to or from the federal government pursuant to the cash  
3 management improvement act. The office of financial management may  
4 direct transfers of funds between accounts as deemed necessary to  
5 implement the provisions of the cash management improvement act, and  
6 this subsection. Refunds or allocations shall occur prior to the  
7 distributions of earnings set forth in subsection (4) of this  
8 section.

9 (3) Except for the provisions of RCW 43.84.160, the treasury  
10 income account may be utilized for the payment of purchased banking  
11 services on behalf of treasury funds including, but not limited to,  
12 depository, safekeeping, and disbursement functions for the state  
13 treasury and affected state agencies. The treasury income account is  
14 subject in all respects to chapter 43.88 RCW, but no appropriation is  
15 required for payments to financial institutions. Payments shall occur  
16 prior to distribution of earnings set forth in subsection (4) of this  
17 section.

18 (4) Monthly, the state treasurer shall distribute the earnings  
19 credited to the treasury income account. The state treasurer shall  
20 credit the general fund with all the earnings credited to the  
21 treasury income account except:

22 (a) The following accounts and funds shall receive their  
23 proportionate share of earnings based upon each account's and fund's  
24 average daily balance for the period: The abandoned recreational  
25 vehicle disposal account, the aeronautics account, the aircraft  
26 search and rescue account, the Alaskan Way viaduct replacement  
27 project account, the brownfield redevelopment trust fund account, the  
28 budget stabilization account, the capital vessel replacement account,  
29 the capitol building construction account, the Cedar River channel  
30 construction and operation account, the Central Washington University  
31 capital projects account, the charitable, educational, penal and  
32 reformatory institutions account, the Chehalis basin account, the  
33 cleanup settlement account, the Columbia river basin water supply  
34 development account, the Columbia river basin taxable bond water  
35 supply development account, the Columbia river basin water supply  
36 revenue recovery account, the common school construction fund, the  
37 community forest trust account, the connecting Washington account,  
38 the county arterial preservation account, the county criminal justice  
39 assistance account, the deferred compensation administrative account,  
40 the deferred compensation principal account, the department of

1 licensing services account, the department of retirement systems  
2 expense account, the developmental disabilities community trust  
3 account, the diesel idle reduction account, the drinking water  
4 assistance account, (~~the drinking water assistance administrative~~  
5 ~~account,~~) the early learning facilities development account, the  
6 early learning facilities revolving account, the Eastern Washington  
7 University capital projects account, the Interstate 405 express toll  
8 lanes operations account, the education construction fund, the  
9 education legacy trust account, the election account, the electric  
10 vehicle charging infrastructure account, the energy freedom account,  
11 the energy recovery act account, the essential rail assistance  
12 account, The Evergreen State College capital projects account, the  
13 federal forest revolving account, the ferry bond retirement fund, the  
14 freight mobility investment account, the freight mobility multimodal  
15 account, the grade crossing protective fund, the public health  
16 services account, the high capacity transportation account, the state  
17 higher education construction account, the higher education  
18 construction account, the highway bond retirement fund, the highway  
19 infrastructure account, the highway safety fund, the high occupancy  
20 toll lanes operations account, the hospital safety net assessment  
21 fund, the industrial insurance premium refund account, the judges'  
22 retirement account, the judicial retirement administrative account,  
23 the judicial retirement principal account, the local leasehold excise  
24 tax account, the local real estate excise tax account, the local  
25 sales and use tax account, the marine resources stewardship trust  
26 account, the medical aid account, the mobile home park relocation  
27 fund, the money-purchase retirement savings administrative account,  
28 the money-purchase retirement savings principal account, the motor  
29 vehicle fund, the motorcycle safety education account, the multimodal  
30 transportation account, the multiuse roadway safety account, the  
31 municipal criminal justice assistance account, the natural resources  
32 deposit account, the oyster reserve land account, the pension funding  
33 stabilization account, the perpetual surveillance and maintenance  
34 account, the pollution liability insurance agency underground storage  
35 tank revolving account, the public employees' retirement system plan  
36 1 account, the public employees' retirement system combined plan 2  
37 and plan 3 account, the public facilities construction loan revolving  
38 account beginning July 1, 2004, the public health supplemental  
39 account, the public works assistance account, the Puget Sound capital  
40 construction account, the Puget Sound ferry operations account, the

1 Puget Sound taxpayer accountability account, the real estate  
2 appraiser commission account, the recreational vehicle account, the  
3 regional mobility grant program account, the resource management cost  
4 account, the rural arterial trust account, the rural mobility grant  
5 program account, the rural Washington loan fund, the sexual assault  
6 prevention and response account, the site closure account, the  
7 skilled nursing facility safety net trust fund, the small city  
8 pavement and sidewalk account, the special category C account, the  
9 special wildlife account, the state employees' insurance account, the  
10 state employees' insurance reserve account, the state investment  
11 board expense account, the state investment board commingled trust  
12 fund accounts, the state patrol highway account, the state route  
13 number 520 civil penalties account, the state route number 520  
14 corridor account, the state wildlife account, the supplemental  
15 pension account, the Tacoma Narrows toll bridge account, the  
16 teachers' retirement system plan 1 account, the teachers' retirement  
17 system combined plan 2 and plan 3 account, the tobacco prevention and  
18 control account, the tobacco settlement account, the toll facility  
19 bond retirement account, the transportation 2003 account (nickel  
20 account), the transportation equipment fund, the transportation  
21 future funding program account, the transportation improvement  
22 account, the transportation improvement board bond retirement  
23 account, the transportation infrastructure account, the  
24 transportation partnership account, the traumatic brain injury  
25 account, the tuition recovery trust fund, the University of  
26 Washington bond retirement fund, the University of Washington  
27 building account, the volunteer firefighters' and reserve officers'  
28 relief and pension principal fund, the volunteer firefighters' and  
29 reserve officers' administrative fund, the Washington judicial  
30 retirement system account, the Washington law enforcement officers'  
31 and firefighters' system plan 1 retirement account, the Washington  
32 law enforcement officers' and firefighters' system plan 2 retirement  
33 account, the Washington public safety employees' plan 2 retirement  
34 account, the Washington school employees' retirement system combined  
35 plan 2 and 3 account, the Washington state health insurance pool  
36 account, the Washington state patrol retirement account, the  
37 Washington State University building account, the Washington State  
38 University bond retirement fund, the water pollution control  
39 revolving administration account, the water pollution control  
40 revolving fund, the Western Washington University capital projects

1 account, the Yakima integrated plan implementation account, the  
2 Yakima integrated plan implementation revenue recovery account, and  
3 the Yakima integrated plan implementation taxable bond account.  
4 Earnings derived from investing balances of the agricultural  
5 permanent fund, the normal school permanent fund, the permanent  
6 common school fund, the scientific permanent fund, the state  
7 university permanent fund, and the state reclamation revolving  
8 account shall be allocated to their respective beneficiary accounts.

9 (b) Any state agency that has independent authority over accounts  
10 or funds not statutorily required to be held in the state treasury  
11 that deposits funds into a fund or account in the state treasury  
12 pursuant to an agreement with the office of the state treasurer shall  
13 receive its proportionate share of earnings based upon each account's  
14 or fund's average daily balance for the period.

15 (5) In conformance with Article II, section 37 of the state  
16 Constitution, no treasury accounts or funds shall be allocated  
17 earnings without the specific affirmative directive of this section.

18 **Sec. 8.** RCW 46.80.020 and 2003 c 53 s 253 are each amended to  
19 read as follows:

20 (1)(a) Except as provided in (b) of this subsection, it is  
21 unlawful for a person to engage in the business of wrecking vehicles  
22 without having first applied for and received a license.

23 (b) As defined in chapter 70.95 RCW, a solid waste disposal site  
24 that is compliant with all applicable regulations may wreck a  
25 nonmotorized abandoned recreational vehicle, as defined in section 5  
26 of this act.

27 (2)(a) Except as provided in (b) of this subsection, a person or  
28 firm engaged in the unlawful activity described in this section is  
29 guilty of a gross misdemeanor.

30 (b) A second or subsequent offense is a class C felony punishable  
31 according to chapter 9A.20 RCW.

32 NEW SECTION. **Sec. 9.** The sum of one million dollars, or as much  
33 thereof as may be necessary, is appropriated for the fiscal biennium  
34 ending June 30, 2019, from the motor vehicle fund to the department  
35 of licensing for the purposes of this act.

36 NEW SECTION. **Sec. 10.** Section 4 of this act applies to vehicle  
37 registrations that are due or become due on or after May 1, 2019.



1        NEW SECTION.    **Sec. 11.**    The director of licensing may take  
2 necessary steps to ensure that this act is implemented on its  
3 effective date.

4        NEW SECTION.    **Sec. 12.**    Section 5 of this act constitutes a new  
5 chapter in Title 46 RCW.

6        NEW SECTION.    **Sec. 13.**    This act takes effect May 1, 2019.

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