

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 6437

65th Legislature
2018 Regular Session

Passed by the Senate March 5, 2018
Yeas 46 Nays 3

President of the Senate

Passed by the House March 2, 2018
Yeas 76 Nays 22

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 6437** as passed by Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 6437

AS AMENDED BY THE HOUSE

Passed Legislature - 2018 Regular Session

State of Washington 65th Legislature 2018 Regular Session

By Senate Transportation (originally sponsored by Senator King)

READ FIRST TIME 02/06/18.

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; and providing an effective date.

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

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

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

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

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

18 (4) Adequate funding is necessary to resolve the problem of
19 abandoned recreational vehicles in a manner that is environmentally
20 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 in compliance with this chapter.

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 deposited
35 into the abandoned recreational vehicle disposal account created in
36 section 6 of this act.

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

3 NEW SECTION. **Sec. 5.** (1) A registered tow truck operator, as
4 defined in RCW 46.55.010, vehicle wrecker, as defined in RCW
5 46.80.010, or scrap processor, as defined in RCW 46.79.010, and scrap
6 metal businesses, as defined in RCW 19.290.010, may apply to the
7 department on a form prescribed by the department for cost
8 reimbursement for the towing, transport, storage, dismantling, and
9 disposal of abandoned recreational vehicles from public property.

10 (2) The department may only use funds under section 6 of this act
11 for cost reimbursement for the towing, transport, storage,
12 dismantling, and disposal of abandoned recreational vehicles. The
13 department may not authorize reimbursements that total more than ten
14 thousand dollars per vehicle for which cost reimbursements are
15 requested.

16 (3) After consulting with the 2017 stakeholder group, the
17 department may develop rules including, but not limited to, towing,
18 transport, storage, dismantling, and disposal rates, application form
19 and contents, and cost reimbursement and the reimbursement process,
20 to implement this section.

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

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

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

32 (1) The abandoned recreational vehicle disposal account is
33 created in the state treasury. All receipts from the fee imposed in
34 section 4 of this act must be deposited into the account. The account
35 may receive fund transfers and appropriations from the general fund,
36 as well as gifts, grants, and endowments from public or private
37 sources, in trust or otherwise, for the use and benefit of the
38 purposes of this act and expend any income according to the terms of

1 the gifts, grants, or endowments, provided that those terms do not
2 conflict with any provisions of this section or any guidelines
3 developed to prioritize reimbursement of removal projects associated
4 with this act.

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

18 (3) Funds in the account resulting from transfers from the
19 general fund must be used to reimburse one hundred percent of
20 eligible costs up to a limit of ten thousand dollars per vehicle for
21 which cost reimbursements are requested.

22 (4) In each fiscal biennium, beginning in the 2019-2021 fiscal
23 biennium, up to fifteen percent of the expenditures from the account
24 may be used for administrative expenses of the department in
25 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 early
6 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.** Section 4 of this act applies to vehicle
33 registrations that are due or become due on or after May 1, 2019.

34 NEW SECTION. **Sec. 10.** The director of licensing may take
35 necessary steps to ensure that this act is implemented on its
36 effective date.

1 NEW SECTION. **Sec. 11.** Section 5 of this act constitutes a new
2 chapter in Title 46 RCW.

3 NEW SECTION. **Sec. 12.** This act takes effect May 1, 2019.

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