
Transportation Committee

SSB 5406

Brief Description: Providing compensation for tow truck operators for keeping the public roadways clear.

Sponsors: Senate Committee on Transportation (originally sponsored by Senators Hawkins, Mullet, Brown, Dozier, Fortunato, Hobbs, Honeyford, Hunt, Rolfes, Schoesler, Short, Stanford, Warnick and Wilson, J.).

Brief Summary of Substitute Bill

- Makes persons who operate a vehicle on a public highway in an illegal or negligent manner liable for vehicle recovery, impound, and storage charges of a registered tow truck operator (RTTO) dispatched by law enforcement or other agency.
- Authorizes an RTTO to bring a civil action to recover such unpaid charges, including incident response and traffic control costs.

Hearing Date: 3/11/21

Staff: Christine Thomas (786-7142).

Background:

Damages to the Highway or Public Property. A person operating a vehicle or moving an object or conveyance on a public highway in an illegal or negligent manner is liable for any damage to a public highway, bridge, elevated structure, or public property that results from the illegal operation of the vehicle. When the operator of the vehicle is not the owner of the vehicle, object, or conveyance, the owner and operator are jointly and severally liable for any such damage. The

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Washington State Department of Transportation or other affected state agencies may recover the damages to the public highway, bridge, elevated structure, or public property in a civil action. Damages may include incident response costs including traffic control.

Public Impounds. In Washington, only registered tow truck operators (RTTOs) may take and hold a vehicle in legal custody without the consent of the owner, known as an impound. A law enforcement officer or public official requesting a public impound must provide a signed authorization for the impound at the time and place of the impound to the RTTO before the operator may proceed with the impound. The costs of removal and storage of vehicles when directed by the Washington State Patrol must be paid by the owner or driver of the vehicle and a lien is placed upon the vehicle until paid, unless the removal is determined to be invalid.

When a vehicle is impounded, an RTTO must send an impound notice to the legal owner, 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, the DOL provides information to the RTTO regarding the owner of the vehicle, and the RTTO must send a notice of custody and sale, by certified mail, to the owner.

If the vehicle remains unclaimed, the RTTO must conduct a sale at public auction. Vehicles may be redeemed by their legal owners any time before the start of the auction upon payment of towing and storage charges.

Summary of Substitute Bill:

A person who operates a vehicle on a public highway in an illegal or negligent manner is, in addition to other damages, also liable for vehicle recovery, impound, and storage charges of an RTTO dispatched by law enforcement or other state or local agency.

Costs for vehicle recovery, impound, and storage charges for any RTTO dispatched by law enforcement or other state or local agency may be recovered by the RTTO in a civil action. The recoverable damages in the civil action is the unpaid amount for the vehicle recovery, impound, and storage charges. Damages also include incident response and traffic control costs incurred by the RTTO.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.