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**SUBSTITUTE HOUSE BILL 1954**

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**State of Washington**

**67th Legislature**

**2022 Regular Session**

**By** House Consumer Protection & Business (originally sponsored by Representatives Kirby and Barkis)

READ FIRST TIME 02/03/22.

1 AN ACT Relating to credit and debit card transaction fees; and  
2 amending RCW 46.55.035.

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

4 **Sec. 1.** RCW 46.55.035 and 2012 c 18 s 1 are each amended to read  
5 as follows:

6 (1) No registered tow truck operator may:

7 (a) Except as authorized under RCW 46.55.037, ask for or receive  
8 any compensation, gratuity, reward, or promise thereof from a person  
9 having control or possession of private property or from an agent of  
10 the person authorized to sign an impound authorization, for or on  
11 account of the impounding of a vehicle;

12 (b) Be beneficially interested in a contract, agreement, or  
13 understanding that may be made by or between a person having control  
14 or possession of private property and an agent of the person  
15 authorized to sign an impound authorization;

16 (c) Have a financial, equitable, or ownership interest in a firm,  
17 partnership, association, or corporation whose functions include  
18 acting as an agent or a representative of a property owner for the  
19 purpose of signing impound authorizations;

20 (d) Enter into any contract or agreement or offer any program  
21 that provides an incentive to a person authorized to order a private

1 impound under RCW 46.55.080 that is related to the authorization of  
2 an impound or a number of impounds.

3 (i) The incentives prohibited by this section may be either  
4 monetary or nonmonetary things of value, such as gifts or prizes  
5 which are contingent on, or as a reward for the authorization of  
6 impounds.

7 (ii) Gifts of de minimis value that are given in the ordinary  
8 course of business and are not tied to any specific decision to  
9 authorize an impound or impounds are not prohibited. Permitted gifts  
10 would include promotional items such as pens, calendars, cups, and  
11 other items labeled with the registered tow truck operator's business  
12 information, holiday gifts such as cookies or candy, flowers for  
13 occasions such as illness or death, or the cost of a single meal for  
14 one person when discussing business.

15 (iii) The provision of the actual physical signs required by this  
16 chapter to be posted on private property and the labor and materials  
17 for placing them is not a violation of this section.

18 (2) This section does not prohibit the registered tow truck  
19 operator from collecting (~~the~~):

20 (a) The costs of towing, storage, tolls, or ferry fares  
21 paid(~~r~~);

22 (b) A convenience fee, as permitted by law, to be paid by the  
23 credit or debit card user whenever a credit or debit card is chosen  
24 as the payment method for the costs of towing, storage, tolls, or  
25 ferry fares. The fee must be sufficient to offset the charges imposed  
26 on the tow truck operator by the credit and debit card companies or  
27 card processors but shall not exceed four percent; or

28 (c) The costs of other services rendered during the course of  
29 towing, removing, impounding, or storing of an impounded vehicle as  
30 provided by RCW 46.55.120.

31 (3) A violation of this section is a gross misdemeanor.

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