
HOUSE BILL 1954

State of Washington

67th Legislature

2022 Regular Session

By Representatives Kirby and Barkis

Read first time 01/12/22. Referred to Committee on Consumer Protection & Business.

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