

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE SENATE BILL 5652**

68th Legislature  
2024 Regular Session

Passed by the Senate February 13,  
2024

Yeas 49 Nays 0

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**President of the Senate**

Passed by the House March 1, 2024

Yeas 95 Nays 0

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**Speaker of the House of  
Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5652** as passed by the Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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**SUBSTITUTE SENATE BILL 5652**

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Passed Legislature - 2024 Regular Session

**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Senate Transportation (originally sponsored by Senators Lovick, Dozier, Hawkins, Hunt, Saldaña, Short, and Stanford)

READ FIRST TIME 02/24/23.

1       AN ACT Relating to compensation for tow truck operators for  
2 keeping the public roadways clear; and amending RCW 46.44.110.

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

4       **Sec. 1.** RCW 46.44.110 and 2009 c 393 s 1 are each amended to  
5 read as follows:

6       (1) Any person operating any vehicle or moving any object or  
7 conveyance upon any public highway in this state or upon any bridge  
8 or elevated structure that is a part of any such public highway is  
9 liable for all damages that the public highway, bridge, elevated  
10 structure, or other state property may sustain, as well as payment  
11 for vehicle recovery, impound, and storage charges to any registered  
12 tow truck operator dispatched by law enforcement or other agency, as  
13 a result of any illegal operation of the vehicle or the moving of any  
14 such object or conveyance or as a result of the operation or moving  
15 of any vehicle, object, or conveyance weighing in excess of the legal  
16 weight limits allowed by law.

17       (2) This section applies to any person operating any vehicle or  
18 moving any object or contrivance in any illegal or negligent manner  
19 or without a special permit as provided by law for vehicles, objects,  
20 or contrivances that are overweight, overwidth, overheight, or  
21 overlength. Any person operating any vehicle is liable for any damage

1 to any public highway, bridge, elevated structure, or other state  
2 property sustained, as well as payment for vehicle recovery, impound,  
3 and storage charges to any registered tow truck operator dispatched  
4 by law enforcement or other agency, as the result of any negligent  
5 operation thereof. When the operator is not the owner of the vehicle,  
6 object, or contrivance but is operating or moving it with the express  
7 or implied permission of the owner, the owner and the operator are  
8 jointly and severally liable for any such damage.

9 (3)(a) Such damage to any state highway, structure, or other  
10 state property may be recovered in a civil action instituted in the  
11 name of the state of Washington by the department of transportation  
12 or other affected state agency. Any measure of damage determined by  
13 the department of transportation to its highway, bridge, elevated  
14 structure, or other property under this section is prima facie the  
15 amount of damage caused thereby and is presumed to be the amount  
16 recoverable in any civil action therefor. The damages available under  
17 this section include the incident response costs, including traffic  
18 control, incurred by the department of transportation.

19 (b) Costs attributable to vehicle recovery, impound, and storage  
20 charges for any registered tow truck operator dispatched by law  
21 enforcement or other state or local agency may be recovered in a  
22 civil action instituted by the registered tow truck operator. The  
23 amount of nonpayment for vehicle recovery, impound, and storage  
24 charges to any registered tow truck operator dispatched by law  
25 enforcement or other agency under this section is presumed to be the  
26 amount recoverable in any civil action therefor and must not exceed  
27 the amounts established under the fee schedule adopted pursuant to  
28 RCW 46.55.118.

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