

# SENATE BILL REPORT

## HB 2592

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As Reported by Senate Committee On:  
Transportation, February 22, 2010

**Title:** An act relating to prohibiting incentive towing programs for private property impounds.

**Brief Description:** Prohibiting incentive towing programs for private property impounds.

**Sponsors:** Representatives Hunt and Hasegawa.

**Brief History:** Passed House: 2/10/10, 95-2.

**Committee Activity:** Transportation: 2/18/10, 2/22/10 [DP].

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### SENATE COMMITTEE ON TRANSPORTATION

**Majority Report:** Do pass.

Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker, Ranking Minority Member; Becker, Berkey, Delvin, Eide, Hatfield, Jacobsen, Kastama, Kauffman, Kilmer, King, Ranker and Sheldon.

**Staff:** Janice Baumgardt (786-7319)

**Background:** Tow truck operators who impound vehicles from private or public property, or tow for law enforcement agencies, are regulated under Chapter 46.55 RCW. Impounds, the taking and holding of a vehicle in legal custody without the consent of the owner, may only be performed by registered tow truck operators (RTTO). If on public property, the impound is at the direction of a law enforcement officer; if the vehicle is on private property, the impound is at the direction of the property owner or the property owner's agent.

Except where the impounded vehicle has a fair market value only equal to its scrap value, an RTTO may not ask for or receive compensation, gratuities, or rewards from a person authorized to sign an impound authorization related to the impounding of a vehicle beyond the costs of towing, storage, or other services rendered. RTTOs are also prevented from having an interest in a contract, agreement, or understanding between a person having control of private property and an agent of the person authorized to sign an impound authorization. Finally, an RTTO may not have an interest in an entity whose functions include acting as an agent or representative of a property owner for the purpose of authorizing impounds. A violation of these prohibitions is a gross misdemeanor.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Summary of Bill:** RTTOs are prohibited from entering into any contract or agreement or offering an incentive to a person authorized to order a private impound that is related to the authorization of an impound. These incentives include monetary or nonmonetary things of value, but do not include items of de minimus value that are given in the ordinary course of business. The provision of signs required to be posted on private property and the labor and materials associated with this placement is not a violation of this prohibition.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: This is a consumer protection issue. Offering incentives makes the towing industry look bad.

**Persons Testifying:** PRO: Stu Halsan, Towing and Recovery Association; Mark Allen, Washington Association of Broadcasters; Jeff Devere, Washington State Patrol.