

FINAL BILL REPORT

ESHB 1625

C 37 L 13
Synopsis as Enacted

Brief Description: Concerning limitations on certain tow truck operator rates.

Sponsors: House Committee on Transportation (originally sponsored by Representatives Pollet, Clibborn, Kagi, Pedersen, Hunt, Riccelli, Appleton, Hudgins, Moscoso, Fitzgibbon, Morrell, Sells and Bergquist).

House Committee on Transportation
Senate Committee on Transportation

Background:

Tow trucks are motor vehicles that are equipped for and used in the business of towing vehicles. By rule, tow trucks are divided into several classes, depending upon their size, equipment, and capabilities. Tow truck operators must apply for a license with the Department of Licensing (DOL) and the Washington State Patrol (WSP). Tow trucks must be inspected by the WSP and issued an annual permit. The WSP must also conduct annual inspections of a tow truck operator's equipment and facilities. Tow truck operators must file a fee schedule with the DOL, and may not charge a fee that exceeds the filed amount. Operators also must file with the DOL a surety bond in the amount of \$5,000.

Tow truck operators may also seek a letter of appointment from the WSP. This letter authorizes a registered tow truck operator to tow and store vehicles for the WSP. The WSP refuses to issue a letter of appointment if the applicant, partner, corporate officer involved in daily operations, or any employee who operates a tow truck has been convicted of: (1) a class A felony or sex offense; (2) a class B felony in the last 10 years; (3) a class C felony in the last five years; (4) a Driving Under the Influence two or more times in the last five years; or (5) a gross misdemeanor in the last three years. The WSP may not issue a letter of appointment if any such person has been convicted of a misdemeanor in the last year or fails to demonstrate character and general fitness sufficient to command the confidence of the WSP.

There are two kinds of impound procedures. A public impound is directed by a law enforcement officer and may be conducted only by a tow truck operator who has a letter of appointment from the WSP. A private impound, however, is directed by a private property owner upon which the vehicle was located and may be conducted by any registered tow truck

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operator, whether or not the operator holds a letter of appointment. Every year, the WSP establishes the maximum towing and storage rates that may be charged by an operator who responds to a WSP call. A contractual agreement, signed by the WSP and the operator, then becomes part of the operator's letter of appointment.

Summary:

The fees charged by Class A, Class D, and Class E tow trucks are subject to a cap. For private impounds, a tow truck operator may not file a fee schedule with an hourly rate that exceeds 135 percent of the maximum rate for a Class A tow truck as negotiated with the WSP. The filed fee schedule also may not have a storage rate exceeding 135 percent of the maximum daily storage rate as negotiated with the WSP or an after-hours release fee exceeding 100 percent of the maximum after-hours release fee as negotiated with the WSP.

These limits, however, do not apply to: (1) other classes of tow trucks; (2) private voluntary towing; or (3) the towing of a vehicle that is not parked or not upright, does not have all of its wheels or tires, or has a broken axle. These limits also do not apply if the vehicle is being towed from a location at which it was involved in an accident.

Certain local laws that limit tow truck operators' fees and rates remain enforceable. These limits may be enforced if the local law was adopted before January 1, 2013, and if the local limits are valid under existing state law.

Votes on Final Passage:

House	91	7
Senate	47	0

Effective: July 28, 2013