

HOUSE BILL REPORT

HB 2528

As Reported by House Committee On: Transportation

Title: An act relating to tow truck operators' handling of unmarked government vehicles.

Brief Description: Prohibiting the placement of tow truck operators in legal jeopardy in handling unmarked government vehicles.

Sponsors: Representatives Overstreet, Taylor, Shea and Buys.

Brief History:

Committee Activity:

Transportation: 1/29/14, 2/6/14, 2/10/14 [DPS].

Brief Summary of Substitute Bill

- Allow a vehicle registered as a confidential vehicle to be redeemed by an employee of the agency that is the titled owner under certain circumstances.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 29 members: Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Moscoso, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Overstreet, Assistant Ranking Minority Member; Bergquist, Fitzgibbon, Freeman, Habib, Hawkins, Hayes, Kochmar, Moeller, Morris, Muri, Ortiz-Self, Pike, Riccelli, Rodne, Ryu, Sells, Shea, Takko, Tarleton, Walkinshaw, Young and Zeiger.

Minority Report: Do not pass. Signed by 1 member: Representative Klippert.

Staff: Andrew Russell (786-7143).

Background:

A tow truck operator must register with the Department of Licensing (DOL) in order to impound, transport, or store unauthorized vehicles or dispose of abandoned vehicles. Registered tow truck operators may impound unauthorized vehicles on public property at the

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.

direction of law enforcement or on private property by the property owner. Finally, registered tow truck operators must have their tow trucks, equipment, and facilities inspected by the Washington State Patrol.

Summary of Substitute Bill:

A vehicle registered as an undercover vehicle may be redeemed from an impound lot if the DOL provides information to the tow truck operator, verifying that the agency is the titled owner of the vehicle. Additionally, the individual seeking to redeem such a vehicle must provide proof of employment with the agency to which the vehicle is titled.

Substitute Bill Compared to Original Bill:

The original bill provided a protection against legal jeopardy for a tow truck operator who tows an unmarked vehicle owned by any state or local government; however, the original bill did not provide for the redemption of such a vehicle.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill originates from a circumstance in Oregon where several undercover vehicles were towed to an impound lot. The operator was reluctant to release the vehicles without proof of ownership and was arrested. Ultimately the operator was acquitted, but the state may be liable for the officers' actions. This bill is about avoiding this situation and avoiding liability of the state.

(In support with amendment(s)) Law enforcement in Washington wouldn't be so pushy as to put a tow truck operator in jail for doing his or her job, but if the registration information of a vehicle is disguised, notice of impoundment is not going to be delivered. Current law does not permit a vehicle to be redeemed by anyone other than the registered owner. A procedure needs to be set up where there is a process for a law enforcement agency to redeem an impounded vehicle despite the registration being confidential. The proposed amendment does this.

(Opposed) None.

Persons Testifying: (In support) Representative Overstreet, prime sponsor.

(In support with amendment(s)) Stu Halsan, Towing and Recovery Association of Washington.

Persons Signed In To Testify But Not Testifying: None.