

HOUSE BILL REPORT

SB 5050

As Reported by House Committee On: Transportation

Title: An act relating to the carrying of passengers in a vehicle attached to a flatbed tow truck.

Brief Description: Authorizing registered tow truck operators to carry passengers in a vehicle attached to a flatbed tow truck under certain situations.

Sponsors: Senators Sheldon, King, Ericksen and Litzow.

Brief History:

Committee Activity:

Transportation: 3/14/13, 3/21/13 [DPA].

Brief Summary of Bill (As Amended by Committee)

- Authorizes, under certain circumstances, passengers to ride in a vehicle that is being carried on the deck of a flatbed tow truck.
- Provides certain rules regarding the passengers riding in such a vehicle.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass as amended. Signed by 26 members: Representatives Clibborn, Chair; Fey, Vice Chair; Lias, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Overstreet, Assistant Ranking Minority Member; Angel, Bergquist, Farrell, Fitzgibbon, Habib, Hayes, Johnson, Klippert, Kochmar, Kristiansen, Morris, O'Ban, Riccelli, Ryu, Sells, Shea, Takko, Tarleton, Upthegrove and Zeiger.

Staff: Andrew Russell (786-7143).

Background:

A tow truck is a motor vehicle that is equipped for towing other vehicles. By rule, the Washington State Patrol (WSP) classifies tow trucks into several categories. "Class E" tow trucks include those that carry the transported vehicle entirely on the truck, such as a flatbed

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truck. Under current law, when a vehicle is being towed by a tow truck, passengers may not ride in the vehicle being transported.

Washington law also imposes seat belt requirements. In most circumstances, these requirements dictate that every person riding in a motor vehicle wear a safety belt and that children be adequately secured. The failure to wear a seat belt and the failure of a driver to ensure every person under the age of 16 is wearing a seat belt are traffic infractions.

Summary of Amended Bill:

Passengers may sit in a vehicle being carried on the deck of a flatbed tow truck, if either the number of people needing to be transported exceeds the seating capacity of the tow truck or the person needing to be transported has a disability that limits his or her ability to enter the tow truck. Passengers riding in such a vehicle are still subject to the seat belt and child restraint requirements, those under 16 years of age must be accompanied by an adult, no passenger may ride on any part of such a vehicle except the inside of the passenger compartment, and passengers are prohibited from any distracting or dangerous behavior. Finally, there must be a way for those in the vehicle to communicate with the tow truck driver in the case of an emergency.

Amended Bill Compared to Original Bill:

The original bill applied only to tow truck operators registered with the Department of Licensing, while the amended bill applies to all tow truck operators. Additionally, the amended bill permits a person with a disability that limits his or her ability to enter the tow truck to ride in a car being carried by a flatbed tow truck. Finally, the amended bill includes additional safety requirements for passengers being carried in such a vehicle.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended 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) Different law enforcement agencies have interpreted the Revised Code of Washington differently, with some allowing passengers to ride in vehicles carried on the back of a flatbed tow truck. The danger of not doing this is greater than the danger of doing it, and the towed vehicle is firmly secured to the tow truck. An amendment supported by the WSP incorporates practices that are already being followed by tow truck operators. Not all towers will do this; some are prohibited by contract or insurance policy. This towing arrangement does not come up everyday, but there are some emergencies that require it.

This is also a problem when towing a person with a disability or a handicap-equipped vehicle. In many cases, when a car carrying a person with a disability breaks down, the situation is made much worse because passengers are not able to ride in a vehicle being carried on the back of a flatbed tow truck. A provision covering that situation is also incorporated into the amendment supported by the WSP.

(With concerns) The bill as it is currently written needs a little work. An amendment to apply the bill to all tow truck operators, allowing disabled persons to ride in such a vehicle, and certain safety requirements should be included in the bill.

(Opposed) None.

Persons Testifying: (In support) Stu Halsan, Towing and Recovery Association of Washington; Paul Bressi, Nisqually Towing; Skips Dreps, Paralyzed Veterans of America; and Jim Freeburg, National Multiple Sclerosis Society.

(With concerns) Rob Huss, Washington State Patrol.

Persons Signed In To Testify But Not Testifying: None.