

**SSB 5406** - H COMM AMD

By Committee on Transportation

1 Strike everything after the enacting clause and insert the  
2 following:

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

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

16 (2) This section applies to any person operating any vehicle or  
17 moving any object or contrivance in any illegal or negligent manner  
18 or without a special permit as provided by law for vehicles, objects,  
19 or contrivances that are overweight, overwidth, overheight, or  
20 overlength. Any person operating any vehicle is liable for any damage  
21 to any public highway, bridge, elevated structure, or other state  
22 property sustained, as well as payment for vehicle recovery, impound,  
23 and storage charges to any registered tow truck operator dispatched  
24 by law enforcement or other agency, as the result of any negligent  
25 operation thereof. When the operator is not the owner of the vehicle,  
26 object, or contrivance but is operating or moving it with the express  
27 or implied permission of the owner, the owner and the operator are  
28 jointly and severally liable for any such damage.

29 (3)(a) Such damage to any state highway, structure, or other  
30 state property may be recovered in a civil action instituted in the  
31 name of the state of Washington by the department of transportation  
32 or other affected state agency. Any measure of damage determined by

1 the department of transportation to its highway, bridge, elevated  
2 structure, or other property under this section is prima facie the  
3 amount of damage caused thereby and is presumed to be the amount  
4 recoverable in any civil action therefor. The damages available under  
5 this section include the incident response costs, including traffic  
6 control, incurred by the department of transportation.

7 (b) Costs attributable to vehicle recovery, impound, and storage  
8 charges for any registered tow truck operator dispatched by law  
9 enforcement or other state or local agency may be recovered in a  
10 civil action instituted by the registered tow truck operator. The  
11 amount of nonpayment for vehicle recovery, impound, and storage  
12 charges to any registered tow truck operator dispatched by law  
13 enforcement or other agency, under this section is presumed to be the  
14 amount recoverable in any civil action therefor and must not exceed  
15 the amounts established under the fee schedule adopted pursuant to  
16 RCW 46.55.118."

17 Correct the title.

EFFECT: (1) Makes persons who operate a vehicle on a public highway in an illegal or negligent manner liable for vehicle recovery, impound, and storage charges of a registered tow truck operator (RTTO) dispatched by law enforcement or other agency.

(2) Authorizes an RTTO to bring a civil action to recover such unpaid charges, limited to the amounts established in fee schedules filed with the Department of Licensing.

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