

HOUSE BILL REPORT

ESHB 1820

As Amended by Senate

Title: An act relating to towing vehicles.

Brief Description: Regulating towing of vehicles.

Sponsors: By House Committee on Transportation (originally sponsored by Representative K. Schmidt).

Brief History:

Committee Activity:

Transportation: 2/20/95, 3/6/95 [DPS].

Floor Activity:

Passed House: 3/14/95, 88-10.

Senate Amended.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 26 members: Representatives K. Schmidt, Chairman; Benton, Vice Chairman; Mitchell, Vice Chairman; Skinner, Vice Chairman; R. Fisher, Ranking Minority Member; Hatfield, Assistant Ranking Minority Member; Backlund; Blanton; Brown; Buck; Cairnes; Chandler; Chopp; Elliot; Hankins; Horn; Johnson; Koster; McMahan; Ogden; Quall; Robertson; Romero; D. Schmidt; Scott and Tokuda.

Staff: Jennifer Joly (786-7305).

Background: Current statute regulates only those tow truck operators who impound vehicles from private or public property and/or tow for law enforcement agencies. Impounds, i.e., 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 (RTTOs). 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 his agent.

RTTOs are issued a tow truck permit by the Department of Licensing (DOL), following payment of a \$100 per company and \$50 per truck fee, plus an inspection by the Washington State Patrol. RTTOs must also file a surety bond of \$5,000 with DOL and meet certain minimum insurance requirements.

Currently, RTTOs are permitted a deficiency lien against the registered owner of an impounded vehicle of up to \$300 for towing and storage services.

Tow trucks are also used by nonregistered operators that, for example, manage gas stations, repair shops and auto dealerships. These trucks are used to aid the underlying business and may not be used for impounding or responding to law enforcement calls.

Summary of Bill: Tow trucks towing vehicles or vehicles towing trailers must use safety chains. Failure to use safety chains is a class 1 civil infraction, the maximum penalty for which is \$250 (not including statutory assessments).

Any vehicle engaging in the recovery of disabled vehicles primarily for monetary compensation must either be a registered tow truck operator (RTTO) or, at a minimum, have insurance in the same manner and amount as an RTTO and submit to a safety inspection of his or her tow trucks.

Items of personal property that are registered or titled with the Department of Licensing (DOL) may be sold at auction to fulfill a lien against the registered owner of an abandoned vehicle. However, such items of personal property are subject to the same notice requirements as impounded and abandoned vehicles.

The deficiency lien for services rendered in towing and storage of a vehicle is \$500, not including the amount received for the vehicle at auction.

RCW 46.20.435, pertaining to driving with a suspended or revoked license, is made consistent with the RTTO chapter insofar as impounds are concerned. That is, it makes the registered owner, rather than the driver, responsible for towing and storage costs, even if the driver who was operating the vehicle at the time the impound was directed is not the registered owner of the vehicle.

No one may occupy a vehicle while it is being towed by a tow truck.

EFFECT OF SENATE AMENDMENT(S):

"Primarily for monetary compensation" is replaced with "business of recovery of disabled vehicles for monetary compensation" to alleviate ambiguity created by the word "primarily."

Although additional storage fees may not be charged for items of personal property registered or titled with the Department of Licensing that are wholly contained within an impounded vehicle, they are subject to sale at auction to satisfy a lien for the towing and storage of the vehicle within which the items are contained.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This legislation is offered to increase professionalism in the tow truck industry and to address safety concerns.

Testimony Against: None.

Testified: Stu Halsan, Washington Tow Truck Association (pro--substitute bill) ; Ken Nikko, Washington Tow Truck Association (pro--substitute bill); and Bruce Olsen, AAA Washington (pro--substitute bill).

Votes on Final Passage:

Yeas 88; Nays 10

Nays: Beeksma, Crouse, Fuhrman, Koster, McMahan, McMorris, Pennington, Sherstad, Stevens, B. Thomas