
SENATE BILL 5735

State of Washington 65th Legislature 2017 Regular Session

By Senators King and Hobbs

Read first time 02/06/17. Referred to Committee on Transportation.

1 AN ACT Relating to the disposal of recreational vehicles
2 abandoned pursuant to chapter 46.55 RCW; amending RCW 46.79.110,
3 70.95.030, and 70.95.065; reenacting and amending RCW 43.84.092;
4 adding a new section to chapter 46.55 RCW; adding a new section to
5 chapter 46.17 RCW; adding new sections to chapter 70.95 RCW; adding a
6 new section to chapter 46.68 RCW; and creating a new section.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8 NEW SECTION. **Sec. 1.** The legislature finds that:

9 (1) Registered tow truck operators have continuing problems
10 involving the disposal of recreational vehicles that have been
11 abandoned and impounded pursuant to chapter 46.55 RCW;

12 (2) Traditional methods of disposal are no longer adequate to
13 meet the ever-increasing problem of abandoned recreational vehicles
14 in this state;

15 (3) It is the responsibility of the state, county, and city
16 governments to provide a process for registered tow truck operators
17 and others to dispose of recreational vehicles in a manner that is
18 environmentally safe and economically sound; and

19 (4) Adequate funding is necessary to resolve the problem of
20 abandoned recreational vehicles so that registered tow truck

1 operators may be successful in their duties of impounding,
2 transporting, and storing unauthorized vehicles.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.55
4 RCW to read as follows:

5 (1) A registered tow truck operator may transport an abandoned
6 recreational vehicle as defined in RCW 70.95.030 to a solid waste
7 disposal site without being licensed as a hulk hauler or scrap
8 processor. The registered tow truck operator must meet all of the
9 usual and customary requirements of licensing as a registered tow
10 truck operator to comply with this section. The transport of an
11 abandoned recreational vehicle by a registered tow truck operator
12 under this chapter must be completed by utilizing a reasonable,
13 direct, and safe route on the date of transport. The rate for this
14 transport is subject to the rate and fee limitations as set forth in
15 RCW 46.55.118.

16 (2) A registered tow truck operator must provide a written record
17 of the delivery for each abandoned recreational vehicle to a solid
18 waste disposal site by use of an abandoned vehicle report to be sent
19 to the department through a means and on a form as established by the
20 department. A copy of the report must be maintained in the vehicle
21 transaction file. Completion of the report relieves the registered
22 tow truck operator from any civil or criminal liability for the
23 deconstruction and disposal of the abandoned recreational vehicle.

24 **Sec. 3.** RCW 46.79.110 and 2001 c 64 s 12 are each amended to
25 read as follows:

26 Nothing contained in this chapter shall be construed to prohibit;
27 Any individual not engaged in business as a hulk hauler or scrap
28 processor from towing any vehicle owned by him or her to any vehicle
29 wrecker or scrap processor, or a registered tow truck operator from
30 transporting an abandoned vehicle to a solid waste disposal site.

31 NEW SECTION. **Sec. 4.** A new section is added to chapter 46.17
32 RCW to read as follows:

33 Before accepting an application for registration for a
34 recreational vehicle as defined in RCW 70.95.030, the department,
35 county auditor or other agent, or subagent appointed by the director
36 shall require an applicant to pay an abandoned recreational vehicle
37 deconstruction and disposal fee of four dollars, in addition to any

1 other fees and taxes required by law. The fee must be deposited into
2 the abandoned recreational vehicle deconstruction and disposal
3 account created in section 8 of this act.

4 **Sec. 5.** RCW 70.95.030 and 2010 1st sp.s. c 7 s 86 are each
5 amended to read as follows:

6 As used in this chapter, unless the context indicates otherwise:

7 (1) "City" means every incorporated city and town.

8 (2) "Commission" means the utilities and transportation
9 commission.

10 (3) "Composted material" means organic solid waste that has been
11 subjected to controlled aerobic degradation at a solid waste facility
12 in compliance with the requirements of this chapter. Natural decay of
13 organic solid waste under uncontrolled conditions does not result in
14 composted material.

15 (4) "Department" means the department of ecology.

16 (5) "Director" means the director of the department of ecology.

17 (6) "Disposal site" means the location where any final treatment,
18 utilization, processing, or deposit of solid waste occurs.

19 (7) "Energy recovery" means a process operating under federal and
20 state environmental laws and regulations for converting solid waste
21 into usable energy and for reducing the volume of solid waste.

22 (8) "Functional standards" means criteria for solid waste
23 handling expressed in terms of expected performance or solid waste
24 handling functions.

25 (9) "Incineration" means a process of reducing the volume of
26 solid waste operating under federal and state environmental laws and
27 regulations by use of an enclosed device using controlled flame
28 combustion.

29 (10) "Inert waste landfill" means a landfill that receives only
30 inert waste, as determined under RCW 70.95.065, and includes
31 facilities that use inert wastes as a component of fill.

32 (11) "Jurisdictional health department" means city, county, city-
33 county, or district public health department.

34 (12) "Landfill" means a disposal facility or part of a facility
35 at which solid waste is placed in or on land and which is not a land
36 treatment facility.

37 (13) "Local government" means a city, town, or county.

38 (14) "Modify" means to substantially change the design or
39 operational plans including, but not limited to, removal of a design

1 element previously set forth in a permit application or the addition
2 of a disposal or processing activity that is not approved in the
3 permit.

4 (15) "Multiple-family residence" means any structure housing two
5 or more dwelling units.

6 (16) "Person" means individual, firm, association, copartnership,
7 political subdivision, government agency, municipality, industry,
8 public or private corporation, or any other entity whatsoever.

9 (17) "Recyclable materials" means those solid wastes that are
10 separated for recycling or reuse, such as papers, metals, and glass,
11 that are identified as recyclable material pursuant to a local
12 comprehensive solid waste plan. Prior to the adoption of the local
13 comprehensive solid waste plan, adopted pursuant to RCW 70.95.110(2),
14 local governments may identify recyclable materials by ordinance from
15 July 23, 1989.

16 (18) "Recycling" means transforming or remanufacturing waste
17 materials into usable or marketable materials for use other than
18 landfill disposal or incineration.

19 (19) "Residence" means the regular dwelling place of an
20 individual or individuals.

21 (20) "Sewage sludge" means a semisolid substance consisting of
22 settled sewage solids combined with varying amounts of water and
23 dissolved materials, generated from a wastewater treatment system,
24 that does not meet the requirements of chapter 70.95J RCW.

25 (21) "Soil amendment" means any substance that is intended to
26 improve the physical characteristics of the soil, except composted
27 material, commercial fertilizers, agricultural liming agents,
28 unmanipulated animal manures, unmanipulated vegetable manures, food
29 wastes, food processing wastes, and materials exempted by rule of the
30 department, such as biosolids as defined in chapter 70.95J RCW and
31 wastewater as regulated in chapter 90.48 RCW.

32 (22) "Solid waste" or "wastes" means all putrescible and
33 nonputrescible solid and semisolid wastes including, but not limited
34 to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge,
35 demolition and construction wastes, abandoned vehicles or parts
36 thereof, and recyclable materials.

37 (23) "Solid waste handling" means the management, storage,
38 collection, transportation, treatment, utilization, processing, and
39 final disposal of solid wastes, including the recovery and recycling
40 of materials from solid wastes, the recovery of energy resources from

1 solid wastes or the conversion of the energy in solid wastes to more
2 useful forms or combinations thereof.

3 (24) "Source separation" means the separation of different kinds
4 of solid waste at the place where the waste originates.

5 (25) "Vehicle" includes every device physically capable of being
6 moved upon a public or private highway, road, street, or watercourse
7 and in, upon, or by which any person or property is or may be
8 transported or drawn upon a public or private highway, road, street,
9 or watercourse, except devices moved by human or animal power or used
10 exclusively upon stationary rails or tracks.

11 (26) "Waste-derived soil amendment" means any soil amendment as
12 defined in this chapter that is derived from solid waste as defined
13 in this section, but does not include biosolids or biosolids products
14 regulated under chapter 70.95J RCW or wastewaters regulated under
15 chapter 90.48 RCW.

16 (27) "Waste reduction" means reducing the amount or toxicity of
17 waste generated or reusing materials.

18 (28) "Yard debris" means plant material commonly created in the
19 course of maintaining yards and gardens, and through horticulture,
20 gardening, landscaping, or similar activities. Yard debris includes
21 but is not limited to grass clippings, leaves, branches, brush,
22 weeds, flowers, roots, windfall fruit, vegetable garden debris,
23 holiday trees, and tree prunings four inches or less in diameter.

24 (29) "Abandoned recreational vehicle" means a recreational
25 vehicle that has been impounded pursuant to chapter 46.55 RCW and not
26 claimed by the registered or legal owner after notice pursuant to RCW
27 46.55.110.

28 (30) "Recreational vehicle" means a travel trailer, motor home,
29 truck camper, or camping trailer that is primarily designed and used
30 as temporary living quarters, is either self-propelled or mounted on
31 or drawn by another vehicle, is transient, is not occupied as a
32 primary residence, and is not immobilized or permanently affixed to a
33 mobile home lot.

34 NEW SECTION. Sec. 6. A new section is added to chapter 70.95
35 RCW to read as follows:

36 (1) The department may develop and administer a voluntary
37 recreational vehicle turn-in program.

38 (2) The purpose of the voluntary recreational vehicle turn-in
39 program is to allow the department to dismantle and dispose of

1 recreational vehicles that pose a high risk of becoming an abandoned
2 recreational vehicle, but that do not yet meet the definition of that
3 term. The department must design the program with the goal of
4 dismantling and disposing of as many recreational vehicles as
5 available resources allow, particularly those recreational vehicles
6 posing the greatest risk of becoming abandoned in the future.

7 (3) The department must disseminate information about the
8 voluntary recreational vehicle turn-in program, including information
9 about the application process, on its web site and through
10 appropriate agency publications and information sources as determined
11 by the department. The department must disseminate this information
12 for a reasonable time as determined by the department before
13 accepting applications.

14 (4) The department must accept and review voluntary recreational
15 vehicle turn-in program applications from eligible recreational
16 vehicle owners during the time period or periods identified by the
17 department. To be eligible for the program, an applicant must
18 demonstrate to the department's satisfaction that the applicant:

19 (a) Is a Washington resident or business; and

20 (b) Either owns a recreational vehicle that is in an advanced
21 state of disrepair, has minimal or no value, and has a high
22 likelihood of becoming an abandoned recreational vehicle or is a
23 registered tow truck operator in possession of an abandoned
24 recreational vehicle.

25 (5) Decisions regarding voluntary recreational vehicle turn-in
26 program eligibility and whether to accept a recreational vehicle for
27 dismantling and disposal under the program are within the sole
28 discretion of the department.

29 (6) The department may take other actions not inconsistent with
30 this section to develop and administer the voluntary recreational
31 vehicle turn-in program.

32 (7) The department must report annually to the legislature on the
33 implementation of this section. The annual report must be submitted
34 to the legislature, consistent with RCW 43.01.036, by January 2nd of
35 each year from 2018 through 2023.

36 NEW SECTION. **Sec. 7.** A new section is added to chapter 70.95
37 RCW to read as follows:

38 (1) After taking custody of an abandoned recreational vehicle,
39 the local government may deconstruct and dispose of the abandoned

1 recreational vehicle in any appropriate and environmentally sound
2 manner without further notice to any owners. The local government
3 must give preference to the least costly, environmentally sound, and
4 reasonable deconstruction and disposal options. Any disposal
5 operations must be consistent with the state solid waste disposal
6 provisions in this chapter.

7 (2) Any county may apply to the department on a form prescribed
8 by the department for financial aid for the preparation of the
9 comprehensive county plan for solid waste management that provides
10 for the deconstruction and disposal of abandoned recreational
11 vehicles. Any city, a joint city plan, or a joint county-city plan
12 for solid waste management of abandoned recreational vehicles may
13 apply for financial aid for such purpose through the county. Every
14 city application for financial aid for planning must be filed with
15 the county auditor and be included as a part of the county's
16 application for financial aid. Any city preparing an independent plan
17 must provide for disposal sites wholly within its jurisdiction.

18 The department must allocate to the counties and cities applying
19 for financial aid for planning, such funds as may be available
20 pursuant to legislative appropriations or from any federal grants for
21 such purpose.

22 The department must determine priorities and allocate available
23 funds among the counties and cities applying for aid according to
24 criteria established by rules of the department, considering
25 population, urban development, environmental effects of waste
26 disposal, existing waste handling practices, and the local
27 justification of their proposed expenditures.

28 (3) The department may use funds under section 8 of this act to
29 disburse to local governments in developing solid waste
30 deconstruction and disposal of abandoned recreational vehicle
31 projects.

32 (4) A local government may enter into a contract with a private
33 company or individual or nonprofit company or organization to carry
34 out the authority granted in this chapter.

35 NEW SECTION. **Sec. 8.** A new section is added to chapter 46.68
36 RCW to read as follows:

37 (1)(a) The abandoned recreational vehicle deconstruction and
38 disposal account is created in the state treasury. All receipts from
39 the fee imposed in section 4 of this act must be deposited into the

1 account. The account may receive fund transfers and appropriations
2 from the general fund, as well as gifts, grants, and endowments from
3 public or private sources, in trust or otherwise, for the use and
4 benefit of the purposes of this act and expend any income according
5 to the terms of the gifts, grants, or endowments, provided that those
6 terms do not conflict with any provisions of this section or any
7 guidelines developed to prioritize reimbursement of removal projects
8 associated with this act.

9 (b) Moneys in the account may be spent only after appropriation.
10 Expenditures from the account may be used only by the department for
11 developing and administering the abandoned recreational vehicle
12 deconstruction and disposal program created in section 7 of this act
13 and to reimburse local governments and registered tow truck operators
14 for up to one hundred percent of the total reasonable and auditable
15 administrative costs for removal, recovery, towing, impound and
16 storage, transportation, disposal, and environmental damage of
17 abandoned recreational vehicles under section 7(3) of this act when
18 the last registered owner is either unknown after a reasonable search
19 effort or insolvent. Reimbursement may not be made unless the
20 department determines that the local government has made reasonable
21 efforts to identify and locate the last registered owner of the
22 abandoned recreational vehicle. Compliance with RCW 46.55.100 is
23 considered a reasonable effort to locate the last registered owner of
24 the abandoned recreational vehicle.

25 (c) Funds in the account resulting from transfers from the
26 general fund must be used to reimburse one hundred percent of costs.

27 (d) In each fiscal biennium, up to ten percent of the
28 expenditures from the account may be used for administrative expenses
29 of the department in implementing this act.

30 (2) Priority for use of this account is for the deconstruction
31 and disposal of recreational vehicles that are impounded by
32 registered tow truck operators then abandoned by their last
33 registered owners.

34 (3) The department must keep all local governments apprised of
35 the balance of the account and the funds available for reimbursement.
36 The guidelines developed by the department must also be made
37 available to the other local governments. This subsection (3) must be
38 satisfied by utilizing the least costly method, including maintaining
39 the information on the department's web site, or any other cost-
40 effective method.

1 **Sec. 9.** RCW 70.95.065 and 2004 c 101 s 2 are each amended to
2 read as follows:

3 (1) The department shall, as part of the minimum functional
4 standards for solid waste handling required under RCW 70.95.060,
5 develop specific criteria for the types of solid wastes that are
6 allowed to be received by inert waste landfills that seek to continue
7 operation after February 10, 2003.

8 (2) The criteria for inert waste developed under this section
9 must, at a minimum, contain a list of substances that an inert waste
10 landfill located in a county with fewer than forty-five thousand
11 residents is permitted to receive if it was operational before
12 February 10, 2003, and is located at a site with a five-year annual
13 rainfall of twenty-five inches or less. The substances permitted for
14 the inert waste landfills satisfying the criteria listed in this
15 subsection must include the following types of solid waste if the
16 waste has not been tainted, through exposure from chemical, physical,
17 biological, or radiological substances, such that it presents a
18 threat to human health or the environment greater than that inherent
19 to the material:

20 (a) Cured concrete, including any embedded steel reinforcing and
21 wood;

22 (b) Asphaltic materials, including road construction asphalt;

23 (c) Brick and masonry;

24 (d) Ceramic materials produced from fired clay or porcelain;

25 (e) Glass;

26 (f) Stainless steel and aluminum; (~~and~~)

27 (g) Deconstructed recreational vehicles; and

28 (h) Other materials as defined in chapter 173-350 WAC.

29 (3) The department shall work with the owner or operators of
30 landfills that do not meet the minimum functional standards for inert
31 waste landfills to explore and implement appropriate means of
32 transition into a limited purpose landfill that is able to accept
33 additional materials as specified in WAC 173-350-400.

34 **Sec. 10.** RCW 43.84.092 and 2016 c 194 s 5, 2016 c 161 s 20, and
35 2016 c 112 s 4 are each reenacted and amended to read as follows:

36 (1) All earnings of investments of surplus balances in the state
37 treasury shall be deposited to the treasury income account, which
38 account is hereby established in the state treasury.

1 (2) The treasury income account shall be utilized to pay or
2 receive funds associated with federal programs as required by the
3 federal cash management improvement act of 1990. The treasury income
4 account is subject in all respects to chapter 43.88 RCW, but no
5 appropriation is required for refunds or allocations of interest
6 earnings required by the cash management improvement act. Refunds of
7 interest to the federal treasury required under the cash management
8 improvement act fall under RCW 43.88.180 and shall not require
9 appropriation. The office of financial management shall determine the
10 amounts due to or from the federal government pursuant to the cash
11 management improvement act. The office of financial management may
12 direct transfers of funds between accounts as deemed necessary to
13 implement the provisions of the cash management improvement act, and
14 this subsection. Refunds or allocations shall occur prior to the
15 distributions of earnings set forth in subsection (4) of this
16 section.

17 (3) Except for the provisions of RCW 43.84.160, the treasury
18 income account may be utilized for the payment of purchased banking
19 services on behalf of treasury funds including, but not limited to,
20 depository, safekeeping, and disbursement functions for the state
21 treasury and affected state agencies. The treasury income account is
22 subject in all respects to chapter 43.88 RCW, but no appropriation is
23 required for payments to financial institutions. Payments shall occur
24 prior to distribution of earnings set forth in subsection (4) of this
25 section.

26 (4) Monthly, the state treasurer shall distribute the earnings
27 credited to the treasury income account. The state treasurer shall
28 credit the general fund with all the earnings credited to the
29 treasury income account except:

30 (a) The following accounts and funds shall receive their
31 proportionate share of earnings based upon each account's and fund's
32 average daily balance for the period: The abandoned recreational
33 vehicle deconstruction and disposal account, the aeronautics account,
34 the aircraft search and rescue account, the Alaskan Way viaduct
35 replacement project account, the brownfield redevelopment trust fund
36 account, the budget stabilization account, the capital vessel
37 replacement account, the capitol building construction account, the
38 Cedar River channel construction and operation account, the Central
39 Washington University capital projects account, the charitable,
40 educational, penal and reformatory institutions account, the Chehalis

1 basin account, the cleanup settlement account, the Columbia river
2 basin water supply development account, the Columbia river basin
3 taxable bond water supply development account, the Columbia river
4 basin water supply revenue recovery account, the common school
5 construction fund, the community forest trust account, the connecting
6 Washington account, the county arterial preservation account, the
7 county criminal justice assistance account, the deferred compensation
8 administrative account, the deferred compensation principal account,
9 the department of licensing services account, the department of
10 retirement systems expense account, the developmental disabilities
11 community trust account, the diesel idle reduction account, the
12 drinking water assistance account, (~~the drinking water assistance
13 administrative account, the drinking water assistance repayment
14 account,~~) the Eastern Washington University capital projects
15 account, the Interstate 405 express toll lanes operations account,
16 the education construction fund, the education legacy trust account,
17 the election account, the electric vehicle charging infrastructure
18 account, the energy freedom account, the energy recovery act account,
19 the essential rail assistance account, The Evergreen State College
20 capital projects account, the federal forest revolving account, the
21 ferry bond retirement fund, the freight mobility investment account,
22 the freight mobility multimodal account, the grade crossing
23 protective fund, the public health services account, the high
24 capacity transportation account, the state higher education
25 construction account, the higher education construction account, the
26 highway bond retirement fund, the highway infrastructure account, the
27 highway safety fund, the high occupancy toll lanes operations
28 account, the hospital safety net assessment fund, the industrial
29 insurance premium refund account, the judges' retirement account, the
30 judicial retirement administrative account, the judicial retirement
31 principal account, the local leasehold excise tax account, the local
32 real estate excise tax account, the local sales and use tax account,
33 the marine resources stewardship trust account, the medical aid
34 account, the mobile home park relocation fund, the money-purchase
35 retirement savings administrative account, the money-purchase
36 retirement savings principal account, the motor vehicle fund, the
37 motorcycle safety education account, the multimodal transportation
38 account, the multiuse roadway safety account, the municipal criminal
39 justice assistance account, the natural resources deposit account,
40 the oyster reserve land account, the pension funding stabilization

1 account, the perpetual surveillance and maintenance account, the
2 pollution liability insurance agency underground storage tank
3 revolving account, the public employees' retirement system plan 1
4 account, the public employees' retirement system combined plan 2 and
5 plan 3 account, the public facilities construction loan revolving
6 account beginning July 1, 2004, the public health supplemental
7 account, the public works assistance account, the Puget Sound capital
8 construction account, the Puget Sound ferry operations account, the
9 Puget Sound taxpayer accountability account, the real estate
10 appraiser commission account, the recreational vehicle account, the
11 regional mobility grant program account, the resource management cost
12 account, the rural arterial trust account, the rural mobility grant
13 program account, the rural Washington loan fund, the site closure
14 account, the skilled nursing facility safety net trust fund, the
15 small city pavement and sidewalk account, the special category C
16 account, the special wildlife account, the state employees' insurance
17 account, the state employees' insurance reserve account, the state
18 investment board expense account, the state investment board
19 commingled trust fund accounts, the state patrol highway account, the
20 state route number 520 civil penalties account, the state route
21 number 520 corridor account, the state wildlife account, the
22 supplemental pension account, the Tacoma Narrows toll bridge account,
23 the teachers' retirement system plan 1 account, the teachers'
24 retirement system combined plan 2 and plan 3 account, the tobacco
25 prevention and control account, the tobacco settlement account, the
26 toll facility bond retirement account, the transportation 2003
27 account (nickel account), the transportation equipment fund, the
28 transportation fund, the transportation future funding program
29 account, the transportation improvement account, the transportation
30 improvement board bond retirement account, the transportation
31 infrastructure account, the transportation partnership account, the
32 traumatic brain injury account, the tuition recovery trust fund, the
33 University of Washington bond retirement fund, the University of
34 Washington building account, the volunteer firefighters' and reserve
35 officers' relief and pension principal fund, the volunteer
36 firefighters' and reserve officers' administrative fund, the
37 Washington judicial retirement system account, the Washington law
38 enforcement officers' and firefighters' system plan 1 retirement
39 account, the Washington law enforcement officers' and firefighters'
40 system plan 2 retirement account, the Washington public safety

1 employees' plan 2 retirement account, the Washington school
2 employees' retirement system combined plan 2 and 3 account, the
3 Washington state health insurance pool account, the Washington state
4 patrol retirement account, the Washington State University building
5 account, the Washington State University bond retirement fund, the
6 water pollution control revolving administration account, the water
7 pollution control revolving fund, the Western Washington University
8 capital projects account, the Yakima integrated plan implementation
9 account, the Yakima integrated plan implementation revenue recovery
10 account, and the Yakima integrated plan implementation taxable bond
11 account. Earnings derived from investing balances of the agricultural
12 permanent fund, the normal school permanent fund, the permanent
13 common school fund, the scientific permanent fund, the state
14 university permanent fund, and the state reclamation revolving
15 account shall be allocated to their respective beneficiary accounts.

16 (b) Any state agency that has independent authority over accounts
17 or funds not statutorily required to be held in the state treasury
18 that deposits funds into a fund or account in the state treasury
19 pursuant to an agreement with the office of the state treasurer shall
20 receive its proportionate share of earnings based upon each account's
21 or fund's average daily balance for the period.

22 (5) In conformance with Article II, section 37 of the state
23 Constitution, no treasury accounts or funds shall be allocated
24 earnings without the specific affirmative directive of this section.

--- END ---