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**SENATE BILL 5735**

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**State of Washington 65th Legislature 2017 Regular Session**

**By** Senators King and Hobbs

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

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

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

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

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

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

(4) Adequate funding is necessary to resolve the problem of abandoned recreational vehicles so that registered tow truck operators may be successful in their duties of impounding, transporting, and storing unauthorized vehicles.

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

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

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

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

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

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

Before accepting an application for registration for a recreational vehicle as defined in RCW 70.95.030, the department, county auditor or other agent, or subagent appointed by the director shall require an applicant to pay an abandoned recreational vehicle deconstruction and disposal fee of four dollars, in addition to any other fees and taxes required by law. The fee must be deposited into the abandoned recreational vehicle deconstruction and disposal account created in section 8 of this act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(14) "Modify" means to substantially change the design or operational plans including, but not limited to, removal of a design element previously set forth in a permit application or the addition of a disposal or processing activity that is not approved in the permit.

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

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

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

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

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

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

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

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

(23) "Solid waste handling" means the management, storage, collection, transportation, treatment, utilization, processing, and final disposal of solid wastes, including the recovery and recycling of materials from solid wastes, the recovery of energy resources from solid wastes or the conversion of the energy in solid wastes to more useful forms or combinations thereof.

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

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

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

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

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

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

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

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

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

(2) The purpose of the voluntary recreational vehicle turn-in program is to allow the department to dismantle and dispose of recreational vehicles that pose a high risk of becoming an abandoned recreational vehicle, but that do not yet meet the definition of that term. The department must design the program with the goal of dismantling and disposing of as many recreational vehicles as available resources allow, particularly those recreational vehicles posing the greatest risk of becoming abandoned in the future.

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

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

(a) Is a Washington resident or business; and

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

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

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

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

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

(1) After taking custody of an abandoned recreational vehicle, the local government may deconstruct and dispose of the abandoned recreational vehicle in any appropriate and environmentally sound manner without further notice to any owners. The local government must give preference to the least costly, environmentally sound, and reasonable deconstruction and disposal options. Any disposal operations must be consistent with the state solid waste disposal provisions in this chapter.

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

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

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

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

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

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

(1)(a) The abandoned recreational vehicle deconstruction and disposal account is created in the state treasury. All receipts from the fee imposed in section 4 of this act must be deposited into the account. The account may receive fund transfers and appropriations from the general fund, as well as gifts, grants, and endowments from public or private sources, in trust or otherwise, for the use and benefit of the purposes of this act and expend any income according to the terms of the gifts, grants, or endowments, provided that those terms do not conflict with any provisions of this section or any guidelines developed to prioritize reimbursement of removal projects associated with this act.

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

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

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

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

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

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

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

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

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

(b) Asphaltic materials, including road construction asphalt;

(c) Brick and masonry;

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

(e) Glass;

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

(g) Deconstructed recreational vehicles; and

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

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

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

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

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

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

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

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The abandoned recreational vehicle deconstruction and disposal account, the aeronautics account, the aircraft search and rescue account, the Alaskan Way viaduct replacement project account, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Chehalis basin account, the cleanup settlement account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the community forest trust account, the connecting Washington account, the county arterial preservation account, the county criminal justice assistance account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community trust account, the diesel idle reduction account, the drinking water assistance account, ((~~the drinking water assistance administrative account, the drinking water assistance repayment account,~~)) the Eastern Washington University capital projects account, the Interstate 405 express toll lanes operations account, the education construction fund, the education legacy trust account, the election account, the electric vehicle charging infrastructure account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the federal forest revolving account, the ferry bond retirement fund, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the high capacity transportation account, the state higher education construction account, the higher education construction account, the highway bond retirement fund, the highway infrastructure account, the highway safety fund, the high occupancy toll lanes operations account, the hospital safety net assessment fund, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the mobile home park relocation fund, the money-purchase retirement savings administrative account, the money-purchase retirement savings principal account, the motor vehicle fund, the motorcycle safety education account, the multimodal transportation account, the multiuse roadway safety account, the municipal criminal justice assistance account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the pollution liability insurance agency underground storage tank revolving account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puget Sound taxpayer accountability account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state route number 520 civil penalties account, the state route number 520 corridor account, the state wildlife account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation future funding program account, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving administration account, the water pollution control revolving fund, the Western Washington University capital projects account, the Yakima integrated plan implementation account, the Yakima integrated plan implementation revenue recovery account, and the Yakima integrated plan implementation taxable bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, the state university permanent fund, and the state reclamation revolving account shall be allocated to their respective beneficiary accounts.

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

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

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