

HOUSE BILL REPORT

SHB 1218

As Passed House:
February 28, 2017

Title: An act relating to the termination of towing fees.

Brief Description: Modifying when towing fees terminate.

Sponsors: House Committee on Transportation (originally sponsored by Representatives Fey, McCaslin and Goodman).

Brief History:

Committee Activity:

Transportation: 1/23/17, 2/1/17 [DPS].

Floor Activity:

Passed House: 2/28/17, 98-0.

Brief Summary of Substitute Bill

- Changes the starting time for the calculation of storage fees for a vehicle, or for items of personal property registered or titled with the Department of Licensing, to the point at which the registered tow truck operator has unloaded the vehicle and completed the necessary paperwork.
- Allows the time to unload the towed vehicle, complete required paperwork, and reasonably prepare the tow truck to return to service to be charged as part of the tow truck service.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 25 members: Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Wylie, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Chapman, Gregerson, Hayes, Irwin, Kloba, Lovick, McBride, Morris, Ortiz-Self, Pellicciotti, Pike, Riccelli, Rodne, Shea, Stambaugh, Tarleton, Van Werven and Young.

Staff: David Munnecke (786-7315).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Background:

Tow truck operators who impound vehicles from private or public property, or tow for law enforcement agencies, are regulated under chapter 46.55 RCW. Impoundment, 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 or her agent.

When an unauthorized vehicle is impounded, within 24 hours the towing operator must send an impound notice to the legal owner, based on information received from law enforcement. After being held for 120 consecutive hours, a vehicle is considered abandoned and the RTTO must file an abandoned vehicle report (AVR) with the Department of Licensing (DOL). In response to the AVR, the DOL provides information to the RTTO regarding the owner of the vehicle. Within 24 hours of receipt of this information, the RTTO must send by certified mail a notice of custody and sale to the owner. After 15 days from the receipt of information from the DOL, the RTTO may no longer accumulate storage charges. If the vehicle remains unclaimed, the RTTO must conduct a sale at public auction. The RTTO may not hold the vehicle for longer than 90 days, except in the case of a law enforcement or judicial order.

Vehicles may be redeemed by their legal owners any time before the start of the auction upon payment of towing and storage charges. An RTTO is required to file a fee schedule of its charges with the DOL, and no fee charged by the RTTO may exceed what has been filed with the DOL. Fees that are charged for the storage of a vehicle, or for items of personal property registered or titled with the DOL, must be calculated on a 24-hour basis, and must be charged to the nearest half day from the time the vehicle arrives at a secure storage area.

Summary of Substitute Bill:

The starting time for the calculation of storage fees for vehicles, or for items of personal property registered or titled with the DOL, is changed to the point at which the RTTO has unloaded the vehicle and completed the necessary paperwork.

The time to unload the towed vehicle, complete required paperwork, and reasonably prepare the tow truck to return to service is allowed to be charged as part of the tow truck service. This time must be charged in 15-minute increments, may not exceed an hour, and must be rounded up except for the last 15-minute increment.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Towing charges don't take into account the time that is needed to prepare a tow truck to return to service or the time to do necessary paperwork. This bill would allow for that time to be taken into consideration.

The ability to complete work and get paid for it stops when a vehicle enters a storage area. The substitute bill is more narrowly focused and restricts the ability to charge for necessary work to 1 hour.

There are costs associated with the work that is done after a vehicle enters a storage yard, and this bill allows for these costs to be recovered.

(Opposed) None.

Persons Testifying: Representative Fey, prime sponsor; and Peter Lukevich, Towing and Recovery Association of Washington.

Persons Signed In To Testify But Not Testifying: None.