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**SUBSTITUTE HOUSE BILL 1036**

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

**By** House Transportation (originally sponsored by Representatives Harmsworth, Kirby, Short, and Muri)

READ FIRST TIME 02/13/17.

1            AN ACT Relating to business practices of registered tow truck  
2 operators by authorizing electronic records creation and storage; and  
3 amending RCW 46.55.150 and 46.55.160.

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

5            **Sec. 1.** RCW 46.55.150 and 1989 c 111 s 14 are each amended to  
6 read as follows:

7            (1) The registered tow truck operator shall keep a transaction  
8 file on each vehicle, which shall be kept for a minimum of three  
9 years. The transaction file shall contain as a minimum those of the  
10 following items that are required at the time the vehicle is redeemed  
11 or becomes abandoned and is sold at a public auction:

12            ~~((1))~~ (a) A signed impoundment authorization as required by RCW  
13 46.55.080;

14            ~~((2))~~ (b) A record of the twenty-four hour written impound  
15 notice to a law enforcement agency;

16            ~~((3))~~ (c) A copy of the impoundment notification to registered  
17 and legal owners, sent within twenty-four hours of impoundment, that  
18 advises the owners of the address of the impounding firm, a twenty-  
19 four hour telephone number, and the name of the person or agency  
20 under whose authority the vehicle was impounded;

1        ~~((4))~~ (d) A copy of the abandoned vehicle report that was sent  
2 to and returned by the department;

3        ~~((5))~~ (e) A copy and proof of mailing of the notice of custody  
4 and sale sent by the registered tow truck operator to the owners  
5 advising them they have fifteen days to redeem the vehicle before it  
6 is sold at public auction;

7        ~~((6))~~ (f) A copy of the published notice of public auction;

8        ~~((7))~~ (g) A copy of the affidavit of sale showing the sales  
9 date, purchaser, amount of the lien, and sale price;

10       ~~((8))~~ (h) A record of the two highest bid offers on the  
11 vehicle, with the names, addresses, and telephone numbers of the two  
12 bidders;

13       ~~((9))~~ (i) A copy of the notice of opportunity for hearing given  
14 to those who redeem vehicles;

15       ~~((10))~~ (j) An itemized invoice of charges against the vehicle.

16       ~~((The transaction file shall be kept for a minimum of three  
17 years.))~~

18       (2)(a) The transaction file kept under subsection (1) of this  
19 section may be created and stored electronically. If the tow truck  
20 operator elects to store records electronically, the method of  
21 electronic records storage shall utilize software developed for that  
22 business purpose. This method of storage may include the use of cloud  
23 storage or another acceptable method that makes storage, retrieval,  
24 and access to the records reliable and available during normal  
25 business hours for audit or inspection by the department of  
26 licensing, the Washington state patrol, or any law enforcement agency  
27 with jurisdiction.

28       (b) Any electronic record created for each tow transaction must  
29 be maintained in an electronic folder labeled with the date the  
30 towing service was performed. The electronic folders must be  
31 maintained in chronological order.

32       **Sec. 2.** RCW 46.55.160 and 1985 c 377 s 16 are each amended to  
33 read as follows:

34       Records, including any electronic records, equipment, and  
35 facilities of a registered tow truck operator shall be available  
36 during normal business hours for audit or inspection by the

1 department of licensing, the Washington state patrol, or any law  
2 enforcement agency having jurisdiction.

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