

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1036

65th Legislature
2017 Regular Session

Passed by the House February 28, 2017
Yeas 98 Nays 0

Speaker of the House of Representatives

Passed by the Senate April 4, 2017
Yeas 49 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1036** as passed by House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1036

Passed Legislature - 2017 Regular Session

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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