AN ACT Relating to compensation for tow truck operators for keeping the public roadways clear; and amending RCW 46.44.110.

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

Sec. 1. RCW 46.44.110 and 2009 c 393 s 1 are each amended to read as follows:

(1) Any person operating any vehicle or moving any object or conveyance upon any public highway in this state or upon any bridge or elevated structure that is a part of any such public highway is liable for all damages that the public highway, bridge, elevated structure, or other state property may sustain, as well as payment for vehicle recovery, impound, and storage charges to any registered tow truck operator dispatched by law enforcement or other agency, as a result of any illegal operation of the vehicle or the moving of any such object or conveyance or as a result of the operation or moving of any vehicle, object, or conveyance weighing in excess of the legal weight limits allowed by law.

(2) This section applies to any person operating any vehicle or moving any object or contrivance in any illegal or negligent manner or without a special permit as provided by law for vehicles, objects, or contrivances that are overweight, overwidth, overheight, or overlength. Any person operating any vehicle is liable for any damage
to any public highway, bridge, elevated structure, or other state
property sustained, as well as payment for vehicle recovery, impound,
and storage charges to any registered tow truck operator dispatched
by law enforcement or other agency, as the result of any negligent
operation thereof. When the operator is not the owner of the vehicle,
object, or contrivance but is operating or moving it with the express
or implied permission of the owner, the owner and the operator are
jointly and severally liable for any such damage.

(3)(a) Such damage to any state highway, structure, or other
state property may be recovered in a civil action instituted in the
name of the state of Washington by the department of transportation
or other affected state agency. Any measure of damage determined by
the department of transportation to its highway, bridge, elevated
structure, or other property under this section is prima facie the
amount of damage caused thereby and is presumed to be the amount
recoverable in any civil action therefor. The damages available under
this section include the incident response costs, including traffic
control, incurred by the department of transportation.

(b) Costs attributable to vehicle recovery, impound, and storage
charges for any registered tow truck operator dispatched by law
enforcement or other state or local agency may be recovered in a
civil action instituted by the registered tow truck operator. The
amount of nonpayment for vehicle recovery, impound, and storage
charges to any registered tow truck operator dispatched by law
enforcement or other agency under this section is presumed to be the
amount recoverable in any civil action therefor and must not exceed
the amounts established under the fee schedule adopted pursuant to
RCW 46.55.118.

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