
SENATE BILL 5406

State of Washington

67th Legislature

2021 Regular Session

By Senators Hawkins, Mullet, Brown, Dozier, Fortunato, Hobbs, Honeyford, Hunt, Rolfes, Schoesler, Short, Stanford, Warnick, and Wilson, J.

Read first time 02/02/21. Referred to Committee on Transportation.

1 AN ACT Relating to compensation for tow truck operators for
2 keeping the public roadways clear; amending RCW 46.44.110; and
3 creating a new section.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that the
6 strategic response to the COVID-19 pandemic requires that the public
7 roadways of the state remain clear of vehicle accidents and other
8 barriers used by first responders and the public to transport
9 patients to emergent and ongoing health care facilities and
10 lifesaving treatment.

11 (2) The legislature further finds that first responders, state
12 agencies, and registered tow truck operators are critical to keeping
13 our public roadways clear of barriers. To fulfill this
14 responsibility, law enforcement and other government agencies rely
15 upon registered tow truck operators responding to the scene of a
16 blocked roadway to assist the responsible government agency with
17 clearing the roadway including impound or recovery of the vehicles
18 that have caused the roadway to be blocked. Registered tow truck
19 operators are relied upon by law enforcement and other state agencies
20 to quickly respond when called to reopen critical roadways for the
21 welfare of the public. All parties should be compensated for their

1 work in keeping the public roadways of the state clear because unsafe
2 conditions can inhibit access to lifesaving treatment during the
3 COVID-19 pandemic.

4 (3) Currently registered tow truck operators are not being
5 compensated for a significant number of the accidents that they
6 respond to on behalf of law enforcement and state agencies. It is
7 imperative that tow truck operators know that they will be
8 compensated for the services they provide when they respond to a
9 state agency call for assistance or they will not remain able to
10 assist the state in the future.

11 (4) The legislature finds that those persons who operate a motor
12 vehicle in an illegal or negligent manner and who cause damage to a
13 public roadway should be responsible for the cost of these services
14 provided by state agencies and registered tow truck operators.
15 Otherwise, registered tow truck operators will cease responding to
16 these road closures if they remain uncompensated by insurance
17 companies, commercial truck operators, and other operators of
18 vehicles who refuse to pay for services after the completion of a
19 vehicle recovery or impound.

20 **Sec. 2.** RCW 46.44.110 and 2009 c 393 s 1 are each amended to
21 read as follows:

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

33 (2) This section applies to any person operating any vehicle or
34 moving any object or contrivance in any illegal or negligent manner
35 or without a special permit as provided by law for vehicles, objects,
36 or contrivances that are overweight, overwidth, overheight, or
37 overlength. Any person operating any vehicle is liable for any damage
38 to any public highway, bridge, elevated structure, or other state
39 property sustained, as well as payment for vehicle recovery, impound,

1 and storage charges to any registered tow truck operator dispatched
2 by law enforcement or other agency, as the result of any negligent
3 operation thereof. When the operator is not the owner of the vehicle,
4 object, or contrivance but is operating or moving it with the express
5 or implied permission of the owner, the owner and the operator are
6 jointly and severally liable for any such damage.

7 (3) Such damage to any state highway, structure, or other state
8 property may be recovered in a civil action instituted in the name of
9 the state of Washington by the department of transportation or other
10 affected state agency or by a registered tow truck operator. Any
11 measure of ~~((damage))~~ damages determined by the department of
12 transportation to its highway, bridge, elevated structure, or other
13 property, as well as payment for vehicle recovery, impound, and
14 storage charges to any registered tow truck operator dispatched by
15 law enforcement or other agency, under this section is prima facie
16 the amount of damage caused thereby and is presumed to be the amount
17 recoverable in any civil action therefor. The damages available under
18 this section include the incident response costs, including traffic
19 control, incurred by the department of transportation or a registered
20 tow truck operator.

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