

HOUSE BILL REPORT

SSB 5652

As Passed House:

March 1, 2024

Title: An act relating to compensation for tow truck operators for keeping the public roadways clear.

Brief Description: Providing compensation for tow truck operators for keeping the public roadways clear.

Sponsors: Senate Committee on Transportation (originally sponsored by Senators Lovick, Dozier, Hawkins, Hunt, Saldaña, Short and Stanford).

Brief History:

Committee Activity:

Transportation: 3/20/23, 3/29/23 [DPA], 2/22/24, 2/26/24 [DP].

Floor Activity:

Passed House: 3/1/24, 95-0.

Brief Summary of Substitute Bill

- Specifies that a person who operates a vehicle on a public highway in an illegal or negligent manner is liable for vehicle recovery, impound, and storage charges of a registered tow truck operator (RTTO) dispatched by law enforcement or other governmental agency.
- Authorizes an RTTO to bring a civil action to recover such unpaid charges, limited to the amounts established in fee schedules filed with the Department of Licensing.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass. Signed by 28 members: Representatives Fey, Chair; Donaghy, Vice Chair; Paul, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority

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

Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Berry, Bronoske, Chapman, Cortes, Dent, Doglio, Duerr, Entenman, Goehner, Griffey, Hackney, Klicker, Mena, Nance, Orcutt, Ramel, Ramos, Schmidt, Volz, Walsh and Wylie.

Staff: Michael Hirsch (786-7195).

Background:

Damages to the Highway or Public Property.

A person operating a vehicle or moving an object or conveyance on a public highway in an illegal or negligent manner is liable for any damage to a public highway, bridge, elevated structure, or public property that results from the illegal operation of the vehicle. When the operator of the vehicle is not the owner of the vehicle, object, or conveyance, the owner and operator are jointly and severally liable for any such damage. The Washington State Department of Transportation or other affected state agencies may recover the damages to the public highway, bridge, elevated structure, or public property in a civil action. Damages may include incident response costs including traffic control.

Public Impounds.

Registered tow truck operators (RTTOs) who impound vehicles from private or public property, or tow for law enforcement agencies, are regulated by the Department of Licensing (DOL). Impoundment is defined as the taking and holding of a vehicle in legal custody without the consent of the owner, and may only be performed by RTTOs. A law enforcement officer or public official requesting a public impound must provide a signed authorization for the impound at the time and place of the impound to the RTTO before the operator may proceed with the impound. Unless the removal of a vehicle is determined to be invalid, the costs of removal and storage costs must be paid by the registered owner of the vehicle, with the exception that if the removal of the vehicle is directed by the Washington State Patrol, the costs of removal and storage must be paid by the owner or driver of the vehicle. In both circumstances, a lien is placed upon the vehicle until paid, and the RTTO has a deficiency claim against the registered owner of the vehicle.

When a vehicle is impounded, the RTTO must send an impound notice to the legal owner, based on information received from law enforcement. After a vehicle is held in impound for more than 120 hours it is considered abandoned, and the RTTO must file an Abandoned Vehicle Report (AVR) with the DOL. In response to the AVR, the DOL provides information to the RTTO regarding the owner of the vehicle, and the RTTO must send a notice of custody and sale, by certified mail, to the owner.

If the vehicle remains unclaimed, the RTTO must conduct a sale at public auction. Vehicles may be redeemed by their legal owners any time before the start of the auction upon payment of towing and storage charges.

Fee Schedules.

An RTTO must register a fee schedule with the DOL. All filed fees must be adequate to cover the costs of service provided, and no fees may exceed those filed with the DOL.

Summary of Bill:

A person who operates a vehicle on a public highway in an illegal or negligent manner is, in addition to other damages, also liable for vehicle recovery, impound, and storage charges of an RTTO dispatched by law enforcement or other state or local agency.

Costs for vehicle recovery, impound, and storage charges for any RTTO dispatched by law enforcement or other state or local agency may be recovered by the RTTO in a civil action. The amount recoverable in the civil action is the amount that has not been paid for the vehicle recovery, impound, and storage charges, limited by the amounts established in fee schedules filed with the DOL.

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) Tow truck operators are part of the team that clears collisions from the road along with police and firefighters. Towers are not always paid by insurance companies when called to the scene by law enforcement. This bill would put towers on equal footing with the state in terms of seeking payment from insurers. Towers could only seek to be paid posted fees.

(Opposed) None.

Persons Testifying: Senator John Lovick, prime sponsor; Randy Houston, Randy's Auto Parts and Towing; and Peter Lukevich, Towing Recovery Association of Washington.

Persons Signed In To Testify But Not Testifying: None.