

WAC 204-91A-070 Issuance of a letter of appointment. (1) The chief or designee will have the authority to issue a letter of appointment if all qualifications set out in this chapter have either been met by the applicant, or a waiver of those qualifications not met has been granted. In order to issue a letter of appointment the section commander must receive:

- (a) Certification from the inspector;
- (b) An application for a letter of appointment endorsed by the district commander; and
- (c) A notice from the department that the requestor has been licensed as a registered tow truck operator.

(2) The patrol will notify the requestor of its decision in writing.

(a) If all requirements are met, the request will be approved and the patrol will issue a letter of appointment, and the tow company will be admitted to the patrol's call list for the appropriate tow zone on the effective date of the letter.

(b) If all requirements are not met, and the requestor is not qualified for a waiver of the requirements, then such request will be denied.

(c) If the district commander recommends denial of a request, the patrol will notify the applicant and provide an opportunity for the applicant to have a hearing as provided in chapter 34.05 RCW.

(3) A letter of appointment will be valid for one business, in a single tow zone, assigned by the district commander. Requests for additional letters of appointment in the same or another zone must be based on a complete and separate place of business capable of independent operation within the appropriate zone.

To receive a letter of appointment, each business must:

(a) Be operated independently. One company cannot be dependent upon another for any required operation.

(b) If an individual, partnership, corporation, or other business entity owns more than one business, each business must have a different identifiable name, address, and telephone number, which are answered at the business location during normal business hours. There may, however, be a central dispatch center for multiple companies. This dispatch center must be capable of acknowledging each individual company when answering each call.

(c) Have on both sides of the truck a different identifiable name, city of address (even if included in the name of the company), registered tow truck operator license number, and truck number as assigned by the department. All required information must be plainly seen and able to be read at all times. All other required markings must also be located where they can be plainly seen and able to be read at all times and be of the size outlined in WAC 308-61-115(1). Companies must comply by December 31, 2007.

EXAMPLE: A different identifiable name may include the parent company name but must also have an additional name to identify and separate that company. Example: Joe's Towing and Joe's Towing South. Joe's Towing I and Joe's Towing II.

(d) Have adequate staffing for each company with personnel present to answer all incoming calls and who are able to release impounded vehicles during normal business hours 8:00 a.m. to 5:00 p.m. Monday through Friday except for state recognized holidays. Each business must be staffed by a sufficient number of drivers for twenty-four hour day operation.

(e) Have adequate equipment for each company to operate independently. Tow trucks must only be used for the company for which they are registered and within the zone approved/assigned for use in, unless

specifically requested by law enforcement. All trucks must be clearly marked with the company's identity as outlined in (b) of this subsection.

(f) Have its own outside entrance, or when the building has one main entrance, the offices must have doors clearly marking and separating each business (not acceptable to walk in the main door and be hit with a counter or one office for the multiple tow companies housed in the building), with a sign at the front door and a sign plainly visible from the street indicating the company's name, phone number, and office hours. Separate businesses in the same tow zone may be housed in one building; however, there must be a solid wall from floor to ceiling physically separating each business.

(g) Maintain their own set of required records and books as outlined in RCW 46.55.150 including, but not limited to, a master log, vehicle transaction file, and billing invoices at its place of business. If there is a corporate accountant/bookkeeper for more than one company, all records and/or files for each company, other than those records, which are required to be maintained at the business location, must be maintained separately.

(h) Have impound/storage areas meeting the requirements of WAC 308-61-026(2) at all times, including proper segregation. All storage areas, primary and secondary for each place of business must be in the tow zone assigned to that place of business.

(i) Maintain at least one truck meeting the minimum class "A," "B," or "C" standards as listed in WAC 204-91A-170.

(4) A tow operator (or a district commander) may petition the section in writing for a waiver of one or more requirements. The section may grant a waiver if it finds that:

(a) The towing service available to the patrol without the waiver is inadequate to meet the needs of the public;

(b) The request is otherwise reasonable; and

(c) The request has the district commander's approval.

In the event a qualified tow operator meeting all requirements and qualifications receives a letter of appointment in the same zone as a tow operator that had earlier been granted a waiver, the tow operator with a waiver will have the letter of appointment rescinded by the section and after notification will not be called for patrol-initiated tows.

(5) Every letter of appointment will be issued in the name of the applicant and the holder thereof must not allow any other person or business to use the letter of appointment.

(6) The letter of appointment will only be valid for the place of business named on the application and will not apply to any other place of business.

(7) A letter of appointment will be valid until suspended, superseded, or revoked by the patrol.

(8) All storage areas, primary and secondary, for each place of business must be in the tow zone assigned to that place of business.

(9) (a) Letter of appointment holders must notify the inspector in writing, within thirty days, of all criminal actions filed against any partner, corporate officer involved in daily operations, or any employee who operates a tow truck, assists in vehicle auctions, or is involved in daily operations.

(b) The patrol may suspend or revoke a letter of appointment if the holder of the letter of appointment fails to provide the information as required in (a) of this subsection.

[Statutory Authority: RCW 46.37.005, 46.55.050, and 46.55.115. WSR 13-18-065, § 204-91A-070, filed 9/3/13, effective 10/4/13; WSR 09-09-118, § 204-91A-070, filed 4/21/09, effective 5/22/09. Statutory Authority: RCW 46.37.005 and 46.55.115. WSR 07-02-025A, § 204-91A-070, filed 12/22/06, effective 1/22/07. Statutory Authority: RCW 46.37.005. WSR 04-20-021, § 204-91A-070, filed 9/28/04, effective 10/29/04. Statutory Authority: RCW 46.37.005 and 46.55.050. WSR 94-18-083, § 204-91A-070, filed 9/2/94, effective 10/3/94. Statutory Authority: RCW 46.61.567. WSR 89-21-044, § 204-91A-070, filed 10/13/89, effective 11/13/89. Statutory Authority: RCW 46.35.005 [46.37.005]. WSR 89-14-015 (Order 89-04-ESR), § 204-91A-070, filed 6/23/89.]