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**ENGROSSED SENATE BILL 6063**

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**State of Washington**

**58th Legislature**

**2003 Regular Session**

**By** Senators Horn, Haugen, Swecker, Jacobsen, Finkbeiner, Spanel and McCaslin

Read first time 04/02/2003. Referred to Committee on Highways & Transportation.

1 AN ACT Relating to fees for vehicle-related businesses; and  
2 amending RCW 46.55.030, 46.70.061, 46.76.040, 46.76.050, 46.79.040,  
3 46.79.050, 46.80.040, and 46.80.050.

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

5 **Sec. 1.** RCW 46.55.030 and 1989 c 111 s 3 are each amended to read  
6 as follows:

7 (1) Application for licensing as a registered tow truck operator  
8 shall be made on forms furnished by the department, shall be  
9 accompanied by an inspection certification from the Washington state  
10 patrol, shall be signed by the applicant or an agent, and shall include  
11 the following information:

12 (a) The name and address of the person, firm, partnership,  
13 association, or corporation under whose name the business is to be  
14 conducted;

15 (b) The names and addresses of all persons having an interest in  
16 the business, or if the owner is a corporation, the names and addresses  
17 of the officers of the corporation;

18 (c) The names and addresses of all employees who serve as tow truck  
19 drivers;

1 (d) Proof of minimum insurance required by subsection (3) of this  
2 section;

3 (e) The vehicle license and vehicle identification numbers of all  
4 tow trucks of which the applicant is the registered owner;

5 (f) Any other information the department may require; and

6 (g) A certificate of approval from the Washington state patrol  
7 certifying that:

8 (i) The applicant has an established place of business and that  
9 mail is received at the address shown on the application;

10 (ii) The address of any storage locations where vehicles may be  
11 stored is correctly stated on the application;

12 (iii) The place of business has an office area that is accessible  
13 to the public without entering the storage area; and

14 (iv) The place of business has adequate and secure storage  
15 facilities, as defined in this chapter and the rules of the department,  
16 where vehicles and their contents can be properly stored and protected.

17 (2) Before issuing a registration certificate to an applicant the  
18 department shall require the applicant to file with the department a  
19 surety bond in the amount of five thousand dollars running to the state  
20 and executed by a surety company authorized to do business in this  
21 state. The bond shall be approved as to form by the attorney general  
22 and conditioned that the operator shall conduct his business in  
23 conformity with the provisions of this chapter pertaining to abandoned  
24 or unauthorized vehicles, and to compensate any person, company, or the  
25 state for failure to comply with this chapter or the rules adopted  
26 hereunder, or for fraud, negligence, or misrepresentation in the  
27 handling of these vehicles. Any person injured by the tow truck  
28 operator's failure to fully perform duties imposed by this chapter and  
29 the rules adopted hereunder, or an ordinance or resolution adopted by  
30 a city, town, or county is entitled to recover actual damages,  
31 including reasonable attorney's fees against the surety and the tow  
32 truck operator. Successive recoveries against the bond shall be  
33 permitted, but the aggregate liability of the surety to all persons  
34 shall not exceed the amount of the bond. As a condition of authority  
35 to do business, the operator shall keep the bond in full force and  
36 effect. Failure to maintain the penalty value of the bond or  
37 cancellation of the bond by the surety automatically cancels the  
38 operator's registration.

1 (3) Before the department may issue a registration certificate to  
2 an applicant, the applicant shall provide proof of minimum insurance  
3 requirements of:

4 (a) One hundred thousand dollars for liability for bodily injury or  
5 property damage per occurrence; and

6 (b) Fifty thousand dollars of legal liability per occurrence, to  
7 protect against vehicle damage, including but not limited to fire and  
8 theft, from the time a vehicle comes into the custody of an operator  
9 until it is redeemed or sold.

10 Cancellation of or failure to maintain the insurance required by (a)  
11 and (b) of this subsection automatically cancels the operator's  
12 registration.

13 (4) The fee for each original registration and annual renewal is  
14 one hundred dollars per company, plus (~~fifty~~) seventy-five dollars  
15 per truck. The department shall forward the registration fee to the  
16 state treasurer for deposit in the motor vehicle fund.

17 (5) The applicant must submit an inspection certificate from the  
18 state patrol before the department may issue or renew an operator's  
19 registration certificate or tow truck permits.

20 (6) Upon approval of the application, the department shall issue a  
21 registration certificate to the registered operator to be displayed  
22 prominently at the operator's place of business.

23 **Sec. 2.** RCW 46.70.061 and 2002 c 352 s 23 are each amended to read  
24 as follows:

25 (1) The annual fees for original licenses issued for twelve  
26 consecutive months from the date of issuance under this chapter shall  
27 be:

28 (a) Vehicle dealers, principal place of business for each and every  
29 license classification: Seven hundred fifty dollars;

30 (b) Vehicle dealers, each subagency, and temporary subagency: One  
31 hundred dollars;

32 (c) Vehicle manufacturers: (~~Five~~) Seven hundred fifty dollars.

33 (2) The annual fee for renewal of any license issued pursuant to  
34 this chapter shall be:

35 (a) Vehicle dealers, principal place of business for each and every  
36 license classification: (~~Two~~) Five hundred (~~fifty~~) dollars;

1 (b) Vehicle dealer, each and every subagency: ((~~Twenty-five~~))  
2 Fifty dollars;

3 (c) Vehicle manufacturers: Two hundred fifty dollars.

4 If any licensee fails or neglects to apply for such renewal within  
5 thirty days after the expiration of the license, or assigned renewal  
6 date under a staggered licensing system, the license shall be declared  
7 canceled by the director, in which case the licensee will be required  
8 to apply for an original license and pay the fee required for the  
9 original license.

10 (3)(a) The fee for the transfer to another location of any license  
11 classification issued pursuant to this chapter ((~~shall be twenty-five~~))  
12 is one hundred dollars.

13 (b) The fee for changing a vehicle dealer's name is one hundred  
14 dollars.

15 (4) The fee for vehicle dealer license plates and manufacturer  
16 license plates shall be the amount required by law for vehicle license  
17 plates exclusive of excise tax and gross weight and tonnage fees.

18 (5) All fees collected under this chapter shall be deposited in the  
19 state treasury and credited to the motor vehicle fund.

20 (6) The fees prescribed in this section are in addition to any  
21 excise taxes imposed by chapter 82.44 RCW.

22 **Sec. 3.** RCW 46.76.040 and 1990 c 250 s 68 are each amended to read  
23 as follows:

24 The fee for an original transporter's license is ((~~twenty-five~~))  
25 one hundred dollars. Transporter license number plates bearing an  
26 appropriate symbol and serial number shall be attached to all vehicles  
27 being delivered in the conduct of the business licensed under this  
28 chapter. The plates may be obtained for a fee of two dollars for each  
29 set.

30 **Sec. 4.** RCW 46.76.050 and 1985 c 109 s 3 are each amended to read  
31 as follows:

32 A transporter's license expires on the date assigned by the  
33 director, and may be renewed by filing a proper application and paying  
34 an annual fee of ((~~fifteen~~)) fifty dollars.

1       **Sec. 5.** RCW 46.79.040 and 1971 ex.s. c 110 s 4 are each amended to  
2 read as follows:

3       Application for a hulk hauler's license, together with a fee of  
4 ((~~ten~~)) fifty dollars, or application for a scrap processor's license,  
5 together with a fee of twenty-five dollars, shall be forwarded to the  
6 director. Upon receipt of the application the director shall, if the  
7 application be in order, issue the license applied for authorizing him  
8 to do business as such and forward the fee, together with an itemized  
9 and detailed report, to the state treasurer, to be deposited in the  
10 motor vehicle fund. Upon receiving the certificate the owner shall  
11 cause it to be prominently displayed at the address shown in his  
12 application, where it may be inspected by an investigating officer at  
13 any time.

14       **Sec. 6.** RCW 46.79.050 and 1985 c 109 s 5 are each amended to read  
15 as follows:

16       A license issued pursuant to this chapter expires on the date  
17 assigned by the director, and may be renewed by filing a proper  
18 application and payment of a fee of ((~~ten~~)) twenty-five dollars.

19       Whenever a hulk hauler or scrap processor ceases to do business or  
20 the license has been suspended or revoked, the license shall  
21 immediately be surrendered to the director.

22       **Sec. 7.** RCW 46.80.040 and 1995 c 256 s 6 are each amended to read  
23 as follows:

24       The application, together with a fee of ((~~twenty-five~~)) one hundred  
25 dollars, and a surety bond as provided in RCW 46.80.070, shall be  
26 forwarded to the department. Upon receipt of the application the  
27 department shall, if the application is in order, issue a vehicle  
28 wrecker's license authorizing the wrecker to do business as such and  
29 forward the fee to the state treasurer, to be deposited in the motor  
30 vehicle fund. Upon receiving the certificate the owner shall cause it  
31 to be prominently displayed in the place of business, where it may be  
32 inspected by an investigating officer at any time.

33       **Sec. 8.** RCW 46.80.050 and 1995 c 256 s 7 are each amended to read  
34 as follows:

35       A license issued on this application remains in force until

1 suspended or revoked and may be renewed annually upon reapplication  
2 according to RCW 46.80.030 and upon payment of a fee of (~~ten~~) fifty  
3 dollars. A vehicle wrecker who fails or neglects to renew the license  
4 before the assigned expiration date shall pay the fee for an original  
5 vehicle wrecker license as provided in this chapter.

6 Whenever a vehicle wrecker ceases to do business as such or the  
7 license has been suspended or revoked, the wrecker shall immediately  
8 surrender the license to the department.

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