
HOUSE BILL 1503

State of Washington 59th Legislature 2005 Regular Session

By Representatives Simpson, Woods and Lovick

Read first time 01/26/2005. Referred to Committee on Transportation.

1 AN ACT Relating to establishing a system to implement the
2 inspection of tow trucks not registered under chapter 46.55 RCW;
3 amending RCW 46.55.025, 46.55.030, 46.55.040, 46.76.010, 46.76.040, and
4 46.76.050; adding a new section to chapter 46.76 RCW; and creating a
5 new section.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that there are two
8 types of businesses performing towing services for the public in the
9 state of Washington, registered tow truck operators licensed under
10 chapter 46.55 RCW, and tow truck operators that are not registered tow
11 truck operators. Registered tow truck operators are required to meet
12 certain equipment, safety, and insurance standards and are inspected
13 annually by the Washington State Patrol.

14 The legislature further finds that under section 2, chapter 360,
15 Laws of 1995 and RCW 46.55.025, tow truck operators that are not
16 registered tow truck operators were required to maintain similar
17 insurance as registered tow truck operators and have their trucks
18 inspected in a like manner. No specific system was ever set out to do
19 this and the requirement has not been implemented.

1 The legislature therefore finds that it is necessary for the
2 protection of the public that a system of annual inspection be
3 established for these tow truck operators that are not licensed as
4 registered tow truck operators so that minimum standards for safe
5 equipment and insurance will be assured. It is the intent of this act
6 to establish such a system.

7 **Sec. 2.** RCW 46.55.025 and 1995 c 360 s 2 are each amended to read
8 as follows:

9 A vehicle engaging in the business of recovery of disabled vehicles
10 for monetary compensation, from or on a public road or highway must
11 either be operated by a registered tow truck operator, or someone who
12 at a minimum has insurance in a like manner and amount as prescribed in
13 RCW 46.55.030(3), and have had their tow trucks inspected in ((a-like))
14 the manner ((as)) prescribed by ((RCW 46.55.040(1))) section 8 of this
15 act. The department shall adopt rules to enforce this section.
16 Failure to comply with this section is a class 1 civil infraction
17 punishable under RCW 7.80.120.

18 **Sec. 3.** RCW 46.55.030 and 1989 c 111 s 3 are each amended to read
19 as follows:

20 (1) Application for licensing as a registered tow truck operator
21 shall be made on forms furnished by the department, shall be
22 accompanied by an inspection certification from the Washington state
23 patrol, shall be signed by the applicant or an agent, and shall include
24 the following information:

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

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

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

33 (d) Proof of minimum insurance required by subsection (3) of this
34 section;

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

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

2 (g) A certificate of approval from the Washington state patrol
3 certifying that:

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

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

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

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

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

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

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

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

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

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

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

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

20 **Sec. 4.** RCW 46.55.040 and 1989 c 111 s 5 are each amended to read
21 as follows:

22 (1) A registered operator shall apply for and keep current a tow
23 truck permit for each tow truck of which the operator is the registered
24 owner. Application for a tow truck permit shall be accompanied by a
25 report from the Washington state patrol covering a physical inspection
26 of each tow truck capable of being used by the applicant.

27 (2) Upon receipt of the fee provided in RCW 46.55.030(4) and a
28 satisfactory inspection report from the state patrol, the department
29 shall issue each tow truck an annual tow truck permit or decal. The
30 class of the tow truck, determined according to RCW 46.55.050, shall be
31 stamped on the permit or decal. The permit or decal shall be displayed
32 on the passenger side of the truck's front windshield.

33 (3) A tow truck number from the department shall be affixed in a
34 permanent manner to each tow truck.

35 (4) The Washington state patrol shall conduct annual inspections of
36 tow truck operators' equipment and facilities during the operators'
37 normal business hours. Unscheduled inspections may be conducted

1 without notice at the operator's place of business by an inspector to
2 determine the fitness of a tow truck or facilities. At the time of the
3 inspection, the operator shall provide a paper copy of the master log
4 referred to in RCW 46.55.080.

5 (5) If at the time of the annual or subsequent inspections the
6 equipment does not meet the requirements of this chapter, and the
7 deficiency is a safety related deficiency, or the equipment is
8 necessary to the truck's performance, the inspector shall cause the
9 registered tow truck operator to remove that equipment from service as
10 a tow truck until such time as the equipment has been satisfactorily
11 repaired. A red tag shall be placed on the windshield of a tow truck
12 taken out of service, and the tow truck shall not provide tow truck
13 service until the Washington state patrol recertifies the truck and
14 removes the tag.

15 (6) A vehicle engaging in the business of towing vehicles for
16 monetary compensation that is not operated by a registered tow truck
17 operator must submit to an inspection as provided by section 8 of this
18 act as a condition for issuance of an original transporter license and
19 plates under RCW 46.76.040 and for any renewals under RCW 46.76.050.

20 **Sec. 5.** RCW 46.76.010 and 1961 c 12 s 46.76.010 are each amended
21 to read as follows:

22 It shall be unlawful for any person, firm, partnership,
23 association, or corporation to engage in the business of delivering by
24 the driveaway or towaway methods vehicles not his own and of a type
25 required to be registered under the laws of this state, without
26 procuring a transporter's license in accordance with the provisions of
27 this chapter.

28 This (~~shall~~) section does not apply to motor freight carriers or
29 operations regularly licensed under the provisions of chapter 81.80 RCW
30 to haul such vehicles on trailers or semitrailers.

31 This section does not apply to registered tow truck operators
32 licensed under RCW 46.55.040.

33 Driveaway or towaway methods means the delivery service rendered by
34 a motor vehicle transporter wherein motor vehicles are driven singly or
35 in combinations by the towbar, saddlemount or fullmount methods or any
36 lawful combinations thereof, or where a truck or truck-tractor draws or
37 tows a semitrailer or trailer.

1 **Sec. 6.** RCW 46.76.040 and 1990 c 250 s 68 are each amended to read
2 as follows:

3 The fee for an original transporter's license is twenty-five
4 dollars. Transporter license number plates bearing an appropriate
5 symbol and serial number shall be attached to all vehicles being
6 delivered in the conduct of the business licensed under this chapter.
7 The plates may be obtained for a fee of two dollars for each set.
8 Before issuance of the original transporter license and any plates
9 issued thereunder the applicant shall submit each vehicle to be used to
10 tow vehicles for monetary compensation to an inspection as provided by
11 section 8 of this act. The Washington State Patrol shall establish by
12 rule a fee for this initial inspection and for subsequent annual
13 inspections required by RCW 46.76.050.

14 **Sec. 7.** RCW 46.76.050 and 1985 c 109 s 3 are each amended to read
15 as follows:

16 A transporter's license expires on the date assigned by the
17 director, and may be renewed by filing a proper application (~~and~~),
18 paying an annual fee of fifteen dollars, and submitting to an
19 inspection as provided by section 8 of this act.

20 NEW SECTION. **Sec. 8.** A new section is added to chapter 46.76 RCW
21 to read as follows:

22 Upon the request of a transporter business license applicant or
23 licensee applying for the initial issuance, or annual renewal of their
24 transporter license with the department of licensing, the Washington
25 State Patrol shall conduct a safety inspection of the vehicle(s) to be
26 used in the transporter business. Applicants and licensees must
27 present their transporter vehicle(s) at a Washington State Patrol
28 inspection site, by appointment, Monday through Friday between the
29 hours of 8:00 a.m. and 5:00 p.m. The transporter vehicle(s) must pass
30 the inspection to qualify for initial issuance or renewal of the
31 transporter license by the department of licensing. The Washington
32 State Patrol shall by rule establish safety and insurance standards
33 which comply with RCW 46.55.025 for each transporter vehicle.

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